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General Assembly
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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 3rd meeting
Held at Headquarters, New York, on Tuesday, 1 October 2002 at 3 p.m.

Chairman: Mr. Maitland ..... (South Africa)

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* Items which the Committee has decided to consider together.

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02-61305 (E)
0261305

The meeting was called to order at 3.10 p.m.

Requests for hearing

1. **The Chairman** drew attention to two communications containing requests for hearings concerning agenda item 19, relating to Gibraltar (A/C.4/57/2) and to Western Sahara (A/C.4/57/3 and Addenda 1-16). He took it the Committee wished to grant those requests.

2. *It was so decided.*

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/57/23 (Part II), chapters VI, IX-XI, A/57/23 (Part II/Add.1), A/57/23 (Part III), chapter XIII (D-F, H), A/57/206, Aide-mémoire 1/02, A/AC.109/2002/CRP.2)

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Agenda item 81: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/57/23 (Part II), chapter V, A/57/23 (Part III), chapter XIII (B))

Agenda item 82: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/57/23 (Part II), chapter VII, A/57/23 (Part III), chapter XIII (C), A/57/73, A/C.4/57/CRP.1)

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/57/3)

Agenda item 83: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/57/90 and A/57/90/Add.1)

3. **Ms. Falzarano** (United Kingdom), said her Government, as an administering Power, was pleased to report that further progress had been made towards modernization and development of the relationship between the United Kingdom and its overseas Territories. The fourth annual meeting of the Overseas Territories Consultative Council had been held in London in September 2002, providing a forum for structured political dialogue between democratically elected Chief Ministers and Ministers of her Government with regard to the relationship, based on partnership, between the United Kingdom and its Territories.

4. That partnership continued to evolve: on 26 February 2002, the British Overseas Territories Act had become law, with effect 21 May 2002, granting citizens of the Territories British citizenship; it formally changed the nomenclature from "dependent" to "overseas" Territories in order to more accurately reflect the nature of the relationship. Furthermore, constitutional review was under way in almost all the Territories, for the first time with the participation of locally appointed review commissions, with a view to providing each Territory with a modern constitution suitable for its long-term development which reflected its specific circumstances. Some reviews were almost complete, others were well under way, and Ascension Island, for example, would have elected an island council by the end of 2002.

5. Work was under way to implement the Guiding Principles of the Environment Charter for the Overseas Territories, adopted in September 2001. Pilot projects had been approved for two Territories and would be carefully monitored for suitability elsewhere. Multilateral environmental agreements would be extended to the Territories and national legislation would be strengthened. Projects had been implemented to address key areas such as habitat restoration, surveys of living resources, tackling of invasive species and capacity-building for civil society institutions. Her Government would also assist the Territories to access regional and bilateral European Commission assistance within the framework of the November 2001 Overseas Association Decision.

6. The wishes of the peoples of the Territories, exercised in accordance with the Charter of the United Nations and other international treaties, were of paramount importance. The relationship between her Government and its Territories was based on fundamental principles such as self-determination, mutual obligations, freedom for the Territories to run their affairs to the greatest degree possible and the firm

commitment from her Government to help the Territories economically and during emergencies.

7. There was a basic commonality of approach between her Government and the Committee and she therefore regretted that relevant resolutions, in particular those of the Special Committee on decolonization, did not always properly reflect that commonality. The annual omnibus resolution recalled that there was no alternative to the principle of self-determination and it was unfortunate that the Special Committee continued to apply that principle selectively. Her Government fully intended to continue to work with the Special Committee, as had been demonstrated by the presence of a representative of her Government at the regional seminar of the Special Committee held in Fiji in 2002.

8. **Mr. Baali** (Algeria) stressed the crucial role the United Nations played in the emancipation of peoples. More than 80 nations, including Algeria, had achieved independence, the most recent being Timor-Leste, which provided an example for those peoples still living under the yoke of colonialism. Sixteen other Territories had yet to exercise successfully their right to self-determination, including the last territory in Africa still under foreign occupation, whose journey to self-determination had been interrupted by invasion and occupation in 1975. The people of Western Sahara had been frustrated in their desire to exercise their right to self-determination, despite the existence of the Settlement Plan negotiated by the United Nations, the Kingdom of Morocco and the Frente Polisario, the validity of which had been underlined by the Security Council in its resolution 1429 (2002).

9. Despite obstacles and delays, in February 2000 a provisional list of the 86,386 Western Saharans identified as being eligible to take part in the referendum on self-determination had been published. Unfortunately, some 139,000 appeals had been filed regarding those names, in spite of the agreement negotiated by the United Nations, the Frente Polisario and the Kingdom of Morocco that only appeals containing some new information should be allowed. The effect of those appeals had been to paralyse the Identification Commission, and the United Nations Secretariat, rather than applying the agreement on appeals, had not acted, allowing for attempts to impose a so-called third way or alternative solution involving pseudo-autonomy under Moroccan sovereignty under which all residents of the Territory, including the 300,000 Moroccan settlers, would decide on the final status of the Territory; that would inevitably lead to annexation of Western Sahara by the Kingdom of Morocco.

10. The Legal Counsel of the United Nations had informed the Security Council in January 2002 that Western Sahara was a Non-Self-Governing Territory of which Morocco was not the administering Power and over which it had no authority. Fortunately, the international community and the Security Council had opposed annexation by Morocco, upholding the validity of the original settlement plan.

11. His delegation had always supported the efforts of colonial peoples to exercise their right to self-determination, and he therefore reiterated its firm commitment to self-determination for the people of Western Sahara, which alone could put an end to the conflict between Morocco and the Frente Polisario. His delegation continued to support the efforts of the Secretary-General and his Personal Envoy to that end and called on the Committee to support the people of Western Sahara as it had supported other colonial peoples and reiterate its commitment to the settlement plan, the only framework accepted by the parties and the international community.

12. **Mr. McIvor** (New Zealand), speaking with regard to the situation in Tokelau, for which New Zealand was the administering Power, noted that Tokelau had become a full member of the Pacific Islands Forum Fisheries Agency and in November 2001, the Tokelau Employment Commission had become operational and good progress had been made in developing new programmes of work for Tokelau in accordance with General Assembly resolution 55/147. The regional seminar for 2002 organized by the Special Committee on decolonization, held in Fiji, had also provided a useful opportunity for broader discussion of issues relating to self-determination for Tokelau.

13. The Ulu-o-Tokelau and the Administrator of Tokelau had attended that meeting, at which the Administrator had noted his Government's intention to develop a relationship framework with Tokelau, reconfirming the parties' commitment to one another and clarifying expectations through a collaborative process during which Tokelau would have access to independent advice. A first draft of the framework document called the "Joint Statement of the Principles of Partnership between New Zealand and Tokelau" was

being presented to the Faipule in Apia that week and would be the subject of New Zealand/Tokelau discussions in November 2002. During the past year his Government had continued to support the Modern House of Tokelau project, a partnership aimed at promoting good governance, capacity-building and sustainable development on the path towards self-determination.

14. He welcomed the visit of the Special Committee on decolonization to Tokelau and New Zealand in August 2002. The report of that Mission (A/AC.109/2002/CRP.2) described the challenges facing Tokelau, reflected the views of its people and clarified to the latter that self-determination involved a range of options which would not necessarily entail severing links with New Zealand. The Mission had recommended that a study be conducted of the three decolonization options and that Tokelau and New Zealand consider developing an education programme to inform the population about the self-determination process.

15. He welcomed those recommendations and recalled that in 1986 his Government had outlined the three decolonization options, which had been translated into Tokelauan in a paper explaining the basic principles underlying each option; a more detailed explanation would be provided once the Modern House of Tokelau project was fully developed and the new relationship framework between Tokelau and New Zealand was in place. Those two measures established, respectively, internal decision-making structures and clearer liaison between New Zealand and Tokelau. The former would demonstrate the level of autonomy at which the Tokelauan administration would be able to operate effectively and the latter would provide for a more structured partnership for addressing constitutional arrangements and decolonization.

16. His Government, maintaining its partnership-based approach, expected to work closely with Tokelau to elaborate the details of the three options. The input of independent advisers, including the recommendations of the Mission of the Special Committee and United Nations Development Programme assistance for a study of the three options, would be welcome. The latter study should build upon the initial discussions between New Zealand and Tokelau about the nature of the decolonization options and be integrated into the existing New Zealand/Tokelau process in order to ensure that its conclusions were based on ideas which were relevant and meaningful to both Tokelau and New Zealand and made a constructive contribution to the process.

17. His Government was, however, of the opinion that it was too early in the decolonization process to implement the Mission's second recommendation on developing educational material on the decolonization options. It nevertheless remained committed to educating the people of Tokelau about their options, which was explicitly recognized in the draft relationship framework document, and to continued close cooperation with the Special Committee.

18. **Ms. Castro Goytia** (Bolivia) said that, as a member of the Special Committee on decolonization, Bolivia had participated in the mission to evaluate the situation of the Non-Self-Governing Territory of Tokelau. That visit had given her delegation a better understanding of the aspirations of its people, but had enabled it also to observe that they lacked adequate information about the impact of the three options for self-determination: independence, integration or free association. Consequently, her delegation supported the Committee's recommendation that a comprehensive study should be conducted for the people of Tokelau on the meaning and scope of the different options. It also stressed the importance of such visiting missions as a means of obtaining first-hand knowledge of actual conditions in the Non-Self-Governing Territories.

19. New Zealand should be commended for its excellent collaboration with the United Nations and Tokelau, and other administering Powers should follow its example in order to comply with the mandates established in the plan of action for the Second International Decade for the Eradication of Colonialism.

20. With regard to the sovereignty dispute over the Malvinas, South Georgia and South Sandwich Islands, Bolivia reiterated the terms of the Declarations on the Malvinas adopted at the 1996 and 1999 meetings of Presidents of the States members of MERCOSUR and of Bolivia and Chile. It hoped that the Governments of Argentina and the United Kingdom would resume negotiations in order to find a peaceful, just and lasting solution.

21. In the case of Western Sahara, the validity of the Settlement Plan should be underlined, as well as the work of the Secretary-General and his Personal Envoy to find a just, lasting and mutually acceptable solution

providing for the self-determination of the Saharan people.

22. Lastly, her delegation wished to highlight the success of the independence process in Timor-Leste and also the Pacific Regional Seminar, held in Fiji in May 2002 within the framework of the Second International Decade for the Eradication of Colonialism.

23. **Mr. Nambiar** (India) said that colonialism went against the tenets of democracy, freedom, dignity, progress and human rights. When the United Nations was established in 1945 almost one-third of the world's population, 750 million people, had lived in Non-Self-Governing Territories; currently, they numbered less than two million.

24. With the independence of Timor-Leste, 16 Non-Self-Governing Territories remained on the Special Committee's list. The General Assembly had declared the period 2001-2010 the second International Decade for the Eradication of Colonialism, which should give renewed impetus to the Special Committee's efforts. The right of the people of the Non-Self Governing Territories to choose the kind of political system they desired was of paramount importance, and the role of the Special Committee was to ascertain the specific political aspirations of the people of each of the remaining Territories. The administering Powers had a vital role to play, and the importance of participation in the work of the Special Committee could hardly be overemphasized. They should approach the task in a spirit of cooperation, understanding, political realism and flexibility. In that context, the recent mission to Tokelau, which had received the full cooperation of the New Zealand Government, had been exemplary.

25. His delegation hoped that that kind of interaction would be sustained and built upon and that lasting progress would be made in implementing the Declaration on the Granting of Independence to Colonial Countries and Peoples in each individual territory during the Second International Decade for the Eradication of Colonialism. India's colonial legacy helped create a broad-based solidarity between India and other erstwhile colonized peoples and nations, and it reaffirmed its commitment to ensuring that colonialism was banished forever.

26. **Mr. Lewis** (Antigua and Barbuda), speaking on behalf of the Caribbean Community (CARICOM), said that CARICOM was playing an active part in fostering the future socio-economic, political and constitutional development of the seven remaining Small Island Non-Self-Governing Territories in the Caribbean: Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Montserrat, the Turks and Caicos Islands and the United States Virgin Islands, since it had a direct bearing on the ongoing Caribbean regional integration process.

27. The elected Governments of most of those Territories were associate members of CARICOM, and many of the Territories were also active members of associated institutions. In times of distress, CARICOM States had assisted each other promptly, most recently with support to Montserrat for its recovery efforts following the devastating volcanic eruptions. Within the framework of the United Nations system, CARICOM had devised the mechanism for the representation of those Caribbean Non-Self-Governing Territories that enjoyed associate membership in the Economic Commission for Latin America and the Caribbean as official observers at the various United Nations world conferences in the social and economic sphere. It continued to support the observer status role for those territories in the international process, as well as the establishment of a similar role in the Economic and Social Council and the General Assembly so that the representatives of the elected Governments could present their views on issues affecting their political and economic development.

28. The Community commended the Special Committee on decolonization for its work in furthering the decolonization process of several of the small island Territories on its agenda by advancing dialogue with their representatives and with the administering Powers. The Special Committee must try to achieve concrete results. While it should be commended for adopting specific recommendations on the decolonization of the mostly small island Territories, the implementation of those recommendations by some administering Powers and by the United Nations system itself remained woefully insufficient. Analyses of existing conditions in indiviual Territories, which should have been carried out under the Plan of Action of the first International Decade for the Eradication of Colonialism, had not even been started several years into the Second International Decade, and there was no commitment that the work would be done. Longstanding resolutions calling for political education programmes in the Territories to foster an awareness of

the available political options had largely been ignored and, in too many cases, the principle of the people of the Territories' inalienable right to ownership of natural resources continued to be disregarded. Those who had achieved self-governance had been successful principally because of unwavering adherence to the parameters of self-determination contained in General Assembly resolution 1541 (XV), which had defined the three political options for independence. The international community should not falter in its commitment to those principles for the sake of expediency, by legitimizing current arrangements of dependence.

29. The Community called for the full implementation of the resolutions on decolonization and the Plan of Action for the Second International Decade for the Eradication of Colonialism. The issue of decolonization had become more complex and required innovative solutions. However, it was clear that it related to the quest for political development and self-determination by the people of the territories themselves. It was an obligation of the United Nations to help Territories achieve full self-government with absolute political equality.

30. The question of Western Sahara had been on the agenda of the United Nations since the 1960s and involved the right to self-determination, one of the Organization's fundamental principles. As long as the conflict continued, the security of a significant part of the Maghreb would remain at risk. The CARICOM delegations maintained their full support for the United Nations Settlement Plan and urged both parties to engage in negotiations to agree on the mechanisms for a free and fair referendum.

31. **Ms. Perez-Contreras** (Venezuela) associated her delegation with the statement made by the representative of Costa Rica on behalf of the Rio Group and reiterated the hope that the decolonization process that the United Nations had promoted for more than 40 years would soon be concluded satisfactorily.

32. As a member of the Special Committee on decolonization, Venezuela was particularly satisfied to welcome the free and sovereign State of Timor-Leste to the international community; its independence represented a high point in the history of the efforts of the United Nations to ensure the right of self-determination to all peoples. The admission of Timor-Leste and Switzerland as full members of the United Nations strengthened the principle of universality that had always characterized the Organization.

33. The Special Committee would be discussing the overall conditions in the remaining Non-Self-Governing Territories. It was an appropriate opportunity to try to develop a strategy allowing it to overcome the obstacles that had prevented the full implementation of the resolutions on decolonization. The presence during the discussions of Government representatives and petitioners from those Territories, and from different specialized organizations, would provide a first-hand source of information to assist the Committee in its decision-making.

34. In practice, the process of decolonization had proved to be very complex; the work of the Special Committee on decolonization would only be successful if it could count on the collaboration of the principal actors in the pending cases, and of the international community as a whole. In that respect, the administering Powers had a particular responsibility, because it was crucial that they should cooperate with the Committee as it examined their respective Territory. She called on those that had not already done so to collaborate with missions, regional seminars and other activities planned by the Committee.

35. The positive results of the most recent visiting mission to Tokelau should lead to future visiting missions in other Territories. That visit had contributed detailed information on the general conditions in Tokelau and its relationship with the administering Power, and increased the conviction that only cooperation and coordination with those involved in the process would lead to the achievement of sustainable solutions.

36. With regard to the remaining Non-Self-Governing Territories, Venezuela wished to reiterate its support for the Argentine claims to sovereignty with regard to the Malvinas Islands and urged the Governments of Argentina and the United Kingdom to resume conversations in order to find a just and lasting solution to the dispute. In the case of Western Sahara, a referendum should be held in the immediate future in accordance with the provisions of the 1991 Settlement Plan. The Saharan people should be allowed to exercise freely their right to decide their own future since, in the decolonization process, there was no alternative to the principle of self-determination. The parties should cooperate with the Secretary-General and his Personal

Envoy in implementing the different measures set out in the Settlement Plan in order to find a peaceful, just and lasting solution; anything else could be interpreted as a failure of the United Nations.

37. **Mr. Ovia** (Papua New Guinea) said that his delegation joined others in welcoming Timor-Leste as a State Member of the United Nations. All Member States, and in particular the members of the Special Committee on decolonization, took particular pride in that event: for many years, representatives of East Timor had come before that Committee, as well as before the Fourth Committee, to petition and to make their views known. It had been a long and determined struggle, and had paid off handsomely. Tribute should be paid to all parties, among them the Secretary-General, the Security Council, the United Nations Transitional Administration in East Timor (UNTAET), Australia, Indonesia, Portugal, and the people of Timor-Leste.

38. Much, however, remained to be done. At the start of the Second International Decade for the Eradication of Colonialism, he was confident that the Special Committee on decolonization would complete its work and fulfil the dreams of the peoples of the remaining 16 Non-Self-Governing Territories on its list. With the full cooperation of all the administering Powers, he was optimistic that the Special Committee on decolonization would be able to complete the programmes of work for each of the 16 Territories within the new decade. Most of the Territories were located in the Pacific and Caribbean regions, and their small size, remoteness and small populations presented unique problems and challenges. In that regard, the Special Committee on decolonization and the Fourth Committee needed to change their perspectives and methods of work to better assist the peoples of those Territories.

39. His Government supported the development of programmes of work for each Territory, on a case-by-case basis, an approach which would require innovation and foresight. If such programmes were developed with the cooperation of all parties, in particular the peoples of the Territories themselves, it should be possible to pave the way to self-determination without duress.

40. Papua New Guinea, like other members of the Special Committee on decolonization, remained convinced that that Committee, in conjunction with the Fourth Committee, could achieve the goals mandated by the General Assembly. Progress could not be made, however, without the full cooperation of all the administering Powers. His delegation hoped that the United States of America and the United Kingdom would show the same constructive spirit continually demonstrated by New Zealand and France. With their cooperation, the Special Committee on decolonization could move swiftly towards the formal adoption of programmes of work for the 16 remaining Non-Self-Governing Territories.

41. His delegation had participated in the recent United Nations mission to Tokelau Islands. As a result of that visit, he was confident that the Special Committee on decolonization and the Government of New Zealand, as the administering Power, would implement a programme of work for Tokelau targeted to its unique situation. Progress was clearly being made.

42. In addition, informal consultations on the cases of American Samoa and Pitcairn Island with the two administering Powers, the United States of America and the United Kingdom, had begun. Furthermore, it should be possible, with the good will of all parties concerned, to make progress on the cases of New Caledonia and Western Sahara. Western Sahara was, in fact, an ongoing initiative of the Secretary-General, through his Special Representative for Western Sahara. The Government of Papua New Guinea joined others in calling on all parties within those Territories to place the interests of the Kanak and Saharan peoples at the top of their agenda. He commended the General Assembly for declaring 2001-2010 the Second International Decade for the Eradication of Colonialism, which would give the Special Committee on decolonization and the administering Powers the necessary time to complete their work.

43. In the view of his delegation, no distinction should be made among the remaining Territories. Programmes of work should be developed universally, and applied to each Territory on a case-by-case basis. In that regard, the experiences of New Caledonia and Tokelau should serve as a guide.

44. **Mr. Kafando** (Burkina Faso) said that the Fourth Committee had reason to be proud, since its deliberations had led to the decolonization of East Timor, which, now officially known as Timor-Leste, would fly the flag of independence and sovereignty

forever. His delegation wished full prosperity to that new State.

45. As an African nation, Burkina Faso had a particular interest in the question of Western Sahara, and believed that the topic must be handled with tact and discretion. Firstly, it was concerned that the parties to the conflict should continue to cooperate with the United Nations and to seek a peaceful resolution. No action should be taken which would sully or compromise the process under way. Any relevant action by the General Assembly should conform with Security Council resolution 1429 (2002), and the Fourth Committee should do its utmost to avoid the adoption of any resolution that contradicted it in spirit or letter. The efforts that had been undertaken by the United Nations, in particular by the Secretary-General and by his Special Representative, on behalf of Western Sahara were invaluable. It was the responsibility of all Member States to assist them in helping Morocco and the Frente Polisario to reach a solution. In that regard, he wished to reiterate his delegation's confidence and support.

The meeting rose at 4.35 p.m.

United Nations A/C.4/57/SR.4

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 4th meeting
Held at Headquarters, New York, on Wednesday, 2 October 2002 at 3 p.m.

Chairman:	Mr. Maitland	(South Africa)
later:	Ms. Price (Vice-Chairman)	(Canada)
later:	Mr. Maitland (Chairman)	(South Africa)

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Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*)

Hearing of representatives of Non-Self-Governing Territories and of petitioners

Organization of work

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02-61630 (E)
0261630

The meeting was called to order at 3.15 p.m.

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/C.4/57/3 and Add. 1-16)

Hearing of representatives of Non-Self-Governing Territories and of petitioners

Questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands

1. *At the invitation of the Chairman, Mr. Corbin (Government of the United States Virgin Islands) took a place at the petitioners' table.*

2. **Mr. Corbin** (Government of the United States Virgin Islands), referring to the decolonization process as it related to the small island Non-Self-Governing Territories, said that even though the Committee's unfinished agenda had often been subordinated to other more pressing international concerns, the situation still required attention. Most of the remaining Non-Self-Governing Territories were small, but their aspirations and right to self-determination were no less important than those of Territories which had already determined their political future. From the general debate over the last few days, it was reassuring to learn that Member States were increasingly aware of the responsibility of the United Nations to fulfil its mandate in relation to small Territories, while remaining consistent with the political options of equality as defined in General Assembly resolution 1541 (XV). In that respect, his Government wished to associate itself with the position of the Caribbean Community (CARICOM) as outlined by the representative of Antigua and Barbuda, speaking on behalf of the members of CARICOM, the previous day.

3. The Special Committee on decolonization should be commended for the successful completion of its work for the year, which was reflected in the recent mission to Tokelau. The report on the Tokelau mission recommended that a study should be prepared on the nature and implications of the three options for self-determination. In that respect, it should be recalled that a call for a comprehensive study on the implications of the political options for all the remaining Territories was contained in the plan of action of the first International Decade for the Eradication of Colonialism and, although the Second Decade was already under way, the study was still pending. The Committee might wish to consider how that essential task could be undertaken, since it would heighten the awareness of the peoples of the Territories about the implications of the political options available to them and advance towards implementation of the General Assembly mandate.

4. Regional seminars also provided an important venue for discussion. The knowledge derived from them helped to bridge the information gap on relevant developments in the Territories, which were seldom discussed during the meetings of the Fourth Committee, since the representatives of most of them did not attend. Consequently, seminar recommendations could be particularly useful in formulating resolutions on decolonization.

5. Lastly, the General Assembly and the Economic and Social Council had adopted a series of resolutions on the direct participation of Territories in the work of the United Nations, linking it to promoting the progress of the peoples of those territories towards political equality. Several United Nations regional commissions and specialized agencies were now admitting territories as observers or associate members and the United States Virgin Islands also hoped to be granted observer status in the Caribbean Community shortly.

6. *Mr. Corbin withdrew.*

Question of Western Sahara

7. *At the invitation of the Chairman, Mr. Mayol i Raynal (European Parliament) took a place at the petitioners' table.*

8. **Mr. Mayol i Raynal** (European Parliament), speaking as a member of the European Parliament Intergroup "Peace for the Saharawi People", reviewed events in Western Sahara over the past 27 years and said that in 1999, when the United Nations Mission for the Referendum in Western Sahara (MINURSO) had completed the work of preparing the referendum and established a list of Saharan voters, it had appeared that nothing more stood in the way of the Saharan people's exercise of their right to self-determination. However, Morocco had filed more than 130,000 appeals in order to delay the process and then the draft framework agreement presented by the Secretary-General and his

Personal Envoy, Mr. James A. Baker III, effectively waived the right to self-determination by proposing a five-year autonomous regime, followed by a referendum where all those who had been resident in the territory for at least one year could vote. Fortunately, that formula had subsequently been set aside and Security Council resolution 1429 (2002) reaffirmed that any solution should propose an approach that provided for self-determination.

9. It was evident that Morocco's strategy was to gain time in order to settle more Moroccans in Western Sahara. Also, in October 2001, Morocco had agreed to allow United States and French petroleum companies to carry out exploration activities in Western Sahara's territorial waters, under the pretext that exploration was licit, while exploitation was not; the same was true of the Bou-Craa phosphate mines and certain fishing fleets had been allowed to fish in the territorial waters.

10. For the Saharans to be able to choose their future freely, the United Nations must exercise its authority, including resorting to force to enforce the principles of its Charter. It was a matter of the political will that had triumphed recently by allowing the liberation of Timor-Leste. It was to be hoped that before the end of the Second International Decade for the Eradication of Colonialism, the "Sahrawi Arab Democratic Republic" would be a full Member State of the United Nations.

11. *Mr. Mayol i Raynal withdrew.*

12. *At the invitation of the Chairman, Mr. Alonso Rodriguez (Liga Española Pro-Derechos Humanos) took a place at the petitioners' table.*

13. **Mr. Alonso Rodriguez** (Liga Española Pro-Derechos Humanos) said that there were currently more than 155,000 Saharan refugees in the Tindouf camps in Algeria and they depended almost entirely on food aid from the World Food Programme (WFP). Almost four million dollars in food aid would be necessary between now and the beginning of 2003; without it, there would be severe consequences for their health, particularly that of children under the age of five, pregnant women and nursing mothers. Consequently, he called on western Governments to make the necessary contributions to WFP and the Office of the United Nations High Commissioner for Refugees (UNHCR) in order to help the Saharan refugees.

14. Many experts considered that Morocco's military activities amounted to the genocide of the Saharan people. There was an excessive police and military presence, which had resulted in many different human rights violations. The United Nations should exercise its jurisdiction and respond to Morocco's continued obstructionist approach to the peace process. The only fair and legitimate solution to the conflict was a transparent referendum on self-determination under the auspices of the United Nations; any other political solution would only lead to renewed conflict. The Government of Spain had an unpaid debt to the Saharan people, and as a new member of the Security Council, it could play an important role in the diplomatic and political solution of the problem. His organization had formally requested the Government of Spain to grant automatic dual nationality to the Saharan people. Six Nobel Prize winners had recently stated that the United Nations should not allow conflicts such as the one in Western Sahara to undermine its principles and result in an international order based on the economic and business interests of certain powers rather than on international law, and had petitioned the Secretary-General to hold a referendum on self-determination in Western Sahara shortly. They had also called for the promotion of human rights and the protection of the region's natural resources and urged the United Nations to guarantee adequate food supplies for the Saharan refugees in Algeria.

15. *Mr. Alonso Rodriguez withdrew.*

16. *At the invitation of the Chairman, Mr. Soroeta Liceras (Professor of International Public Law, Universidad del País Vasco, Spain) took a place at the petitioners' table.*

17. **Mr. Soroeta Liceras** (Professor of International Public Law, Universidad del País Vasco, Spain) said that the Western Sahara peace plan was undergoing a critical moment, because two new proposals, the so-called third and four options, called into question both the possibility of implementing the plan and the ability of the United Nations to resolve the conflict. The Secretary-General was trying to maintain an impossible balance between the two parties to the conflict and ensure a solution that benefited both, even though one of them was illegally occupying the other's territory and systematically violating the human rights of its population.

18. After reviewing the events of recent years, he said that time had shown that the Houston Agreements were part of Morocco's general strategy to exploit every opportunity that the Peace Plan offered to delay the solution of the conflict. To Morocco, the Peace Plan was always an end itself, never the road to a referendun..

19. In his recent reports, the Secretary-General had expressed concern that the Peace Plan contained no mention of a mechanism to enforce the results of a referendum. However, that could only refer to Morocco, because the Frente POLISARIO had always promised to respect its results. The Security Council was responsible for the application of the Peace Plan and it was to be hoped that it would not require a genocide, as in the case of East Timor, before the Council intervened.

20. With regard to the new proposals, it appeared that the Fourth option had already been abandoned. However the Third option recommended the partition of the Territory, following the precedent of the division agreed in 1976 between Morocco and Mauritania. It was alarming that the Secretary-General should use as a conflict resolution model a null and void international treaty, which violated the *uti possidetis iuris* principle, which established the inviolability of borders established during colonial times and had always been applied in the decolonization process on the African continent and should also be applied in the case of Western Sahara.

21. The United Nations should not withdraw from Western Sahara until a referendum on self-determination was held, because it would be a failure in the area in which it had achieved some of its greatest successes, precisely through the work of the Fourth Committee. Morocco must respect the right of the Saharan people to self-determination. There was a growing movement to abandon the Peace Plan, alleging that there were technical problems that made it impossible to implement. Nevertheless, all that remained was for MINURSO to review the appeals process regarding the list of voters and, in view of the acknowledged impartiality of the United Nations, that should confirm the original list. If the Peace Plan were to be abandoned it would lead to the renewal of armed conflict, since that would be the only way in which the Saharan people could reclaim their rights.

22. *Mr. Soroeta Liceras withdrew.*

23. *At the invitation of the Chairman, Ms. Navarro Poblet (jurist, Spain) took a place at the petitioners' table.*

24. **Ms. Navarro Poblet** (Jurist, Spain) said that Western Sahara was still on the list of Non-Self-Governing Territories and, furthermore, it was under military occupation by Morocco, and consequently subject to the norms of international humanitarian law, specifically, the provisions of the fourth 1949 Geneva Convention relative to the protection of civilian persons in time of war. Although Morocco was a signatory to that Convention, it had systematically violated the human rights of the Saharan people with impunity.

25. On 24 April 2002, she had formed part of a mission of jurists who were able to observe a criminal hearing of 16 Saharan individuals accused of taking part in demonstrations in favour of the independence of Western Sahara before the Court of Appeal in El Aaiun. There had been a strong military and police presence during the hearing, which went on for more than 19 hours. A study of the proceedings of the Moroccan police and judicial system established the existence of errors and deficiencies at all stages. The guarantee of due process of law and proper administration of justice had been non-existent and, faced with the total absence of evidence, the court had based its verdict on the acceptance of suspicions that were never proven.

26. The observer mission had found numerous defects in the proceedings which, under Moroccan law applicable in the occupied Territory, should have led to their annulment during the preliminary investigation. Violations of the Moroccan Penal Code included the prosecution and conviction of Saharan minors, their arrest days or even months after the occurrence of the events of which they were accused, and failure to notify the family members, which constituted grounds for invalidating the arrest and reclassifying it as a kidnapping. The fact that neither the police investigators nor the detained Saharans had signed the police records was a violation of article 768 of the Moroccan Law of Procedure (the inclusion of the Saharans' fingerprints suggested that the records had been fabricated by Moroccan police). The abuse of process also rendered the arrest null and void.

27. Since, in Morocco, testimony before an examining magistrate prevailed over police

statements — and the Saharans had denied their involvement before the judge — there had been a violation of article 660 of the Penal Code. Moreover, all witnesses for the prosecution had been officials of the auxiliary forces of the National Security Directorate, and none of them had recognized the defendants in the oral proceedings. Despite visible signs of torture on the bodies of the Saharan defendants, the court had rejected evidence of torture in order to extract confessions and deliberately denied a Saharan defendant's right to have torture allegations investigated. References to identification of torturers had been expressly omitted from the record, thereby preventing their subsequent investigation or prosecution. The examining magistrate had refused to allow a medical examination of a mentally disabled Saharan defendant who, in his judgement, did not demonstrate any signs of disability, thereby acting as a doctor, and examination of evidence in favour of acquittal had been systematically prohibited during the preliminary investigation and subsequent proceedings.

28. Since Western Sahara was a Non-Self-Governing Territory, whose legal status was separate and different from that of the national territory administering it, it was not under the jurisdiction of the Moroccan courts, and all their actions were null and void. Nor was it possible to enter the Territory in order to investigate its alarming human rights situation. The United Nations should implement a peace process, support the Saharan people's right to self-determination, open the Territory to international observers and lay the groundwork for enabling MINURSO to ensure the safety of the Saharan population and protect their human rights.

29. *Ms. Navarro Poblet withdrew.*

30. *At the invitation of the Chairman, Mr. López Ortiz (Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui de España) took a place at the petitioners' table.*

31. **Mr. López Ortiz** (Federación Estatal de Instituciones Solidarias con el Pueblo Saharaui de España) observed that the Federation represented over 500 state and local government institutions that were heavily involved in humanitarian aid to the Saharan people and that supported the United Nations settlement plan as the framework for a referendum which would put an end to the longest-lasting decolonization conflict. Reviewing the various attempts over the years to find a political solution, he noted that it had been the first time in the history of the Organization that the United Nations had taken direct responsibility for organizing a referendum on self-determination; yet 10 long years had passed since that decision without the referendum having been held, despite the best efforts of the Personal Envoy of the Secretary-General and of MINURSO, and further agreements between the parties to the conflict. Even after the accession of the new King, it was clear that Morocco had been bent from the start on not adhering to the settlement plan and impeding the holding of a referendum. Moroccan leaders had stated plainly that their King would accept only a referendum guaranteeing Moroccan control of the Territory. Surely, the United Nations could do more to force Morocco to respect the rules of international conduct, as well as human rights and democratic values. Its repressive stranglehold on the occupied areas was creating a climate of terror that could lead to a bloodbath. The problem was not technical but political. The United Nations stood at a crossroads: either it must take the necessary political and economic steps to convince the Moroccan Government that it must comply with the peace plan, or it must recognize its failure and withdraw.

32. *Mr. López Ortiz withdrew.*

33. *At the invitation of the Chairman, Mr. Briones Vives (International Association of Jurists for Western Sahara) took a place at the petitioners' table.*

34. **Mr. Briones Vives** (International Association of Jurists for Western Sahara) observed that the Security Council had not fallen into the trap of entertaining the possibility that the Moroccan population moved into the Territory could be the final arbiter of its destiny and, rejecting the so-called framework agreement, had reaffirmed the generally-held view that the only solution was direct political negotiation between the parties to the conflict. It had safeguarded the validity of the settlement plan, the principle of self-determination and the independence option and upheld the census of voters carried by MINURSO. Should negotiations now fail, the settlement plan should come directly into force immediately.

35. In January 2002, the United Nations Department of Legal Affairs had issued an opinion upholding the 1975 judgment of the International Court of Justice, that Western Sahara was a decolonization issue and that sovereignty over the Territory had at no point been

legally transferred by Spain to any nation, so that Morocco was not an administering Power but rather an occupying power in violation of international law. The situation of Western Sahara was an anomaly as. legally, Spain was neglecting its duties as the administering Power.

36. Being a Territory under military occupation, Western Sahara was subject to the provisions of the fourth Geneva Convention of 1949, and the United Nations settlement plan itself set the problem squarely within the framework of international humanitarian law, which not only required the release of political prisoners but prohibited deliberately changing the ethnic composition of an occupied Territory and appropriating its natural resources.

37. The General Assembly had condemned the exploitation of natural resources of dependent Territories by foreign economic interests or by administering Powers as a violation of the Charter of the United Nations, and had specifically condemned Morocco's attempts to do so. The people of Western Sahara decried Morocco's pillaging and profiteering. The United Nations must prevent Morocco from following a strategy of plunder, and must defend the political and economic rights of the Saharan people, as it had done in the case of other dependent Territories. It was doubly shameful that while an illegal occupying power was enriching itself at their expense, large numbers of the population living in extreme conditions as exiles and refugees did not receive even the tenth part of the humanitarian aid promised to them by international agencies.

38. In the meantime, Morocco had, without any legal right, sealed off the Territory completely from members of the international community attempting to enter it, as had recently happened when a delegation of Spanish political representatives had sought to confer with United Nations authorities in Western Sahara. It was up to MINURSO to oppose the marginalization of one of the parties to the conflict, and it should not resign itself to becoming part of the ghetto.

39. The brutal arbitrary detentions, the climate of terror and the house searches by Moroccan military and police patrols in the occupied cities of Western Sahara, and the absence of a fair and impartial judicial system, must also be denounced. The time had come for the United Nations to enforce the Declaration on decolonization in its last great test, in Western Sahara.

40. *Mr. Briones Vives withdrew.*

41. *At the invitation of the Chairman, Ms. Morales Rodríguez (Paz para el pueblo saharaui) took a place at the petitioners' table.*

42. **Ms. Morales Rodríguez** (Paz para el pueblo saharaui), speaking as a senator and parliamentary representative, said that Spanish society was very conscious of Spain's historic involvement in Western Sahara as colonial power until 1975, with responsibility for the shameful handover of power to Morocco and Mauritania by the last Franco administration and for the resulting conflict. Not only were there currently in Spain over 100 non-governmental organizations supporting the Saharan people's just demand for self-determination, but there was great activity at all levels of government in support of the United Nations resolutions calling for self-determination.

43. At the local level, city councils were concentrating on humanitarian aid and demonstrations of solidarity with the refugees in Tindouf; on town twinning — in which over 500 Spanish municipalities were involved; and on the adoption of resolutions in support of United Nations action. They had jointly endorsed a motion calling for the immediate organization of the referendum in Western Sahara under the United Nations settlement plan as the only formula for a fair and lasting solution, and denouncing the boycott strategy of the Government of Morocco and its fraudulent "third way" of autonomy, meaning annexation by Morocco.

44. At the regional level, most of the parliaments of the 17 Autonomous Communities of Spain had set up all-party groups coordinated by a permanent secretariat known as Paz para el pueblo saharaui, which was currently organizing a conference to be held in November on the question of Western Sahara. There was also a considerable amount of political activity on the question within the regional parliaments and many motions in support of the United Nations settlement plan had been adopted.

45. At the national level, the Senate and the Congress of Deputies had established other interparliamentary groups in favour of peace for the Saharan people. Over the past two years, more than 10 motions on Western Sahara had been adopted, demonstrating the concern of Parliament and the position of the Government, which was to find a solution acceptable to the people and to

both parties to the conflict. The motions had included bills, resolutions and proposals adopted in each house of Parliament in support of the United Nations settlement plan and resolutions and the holding of the referendum.

46. The United Nations must stand firm in pressing for a quick resolution to a conflict which had dragged on for more than 27 years, for the Organization would otherwise be discredited. It must ensure that international law was respected so that Western Sahara could eventually become a member of the Organization.

47. *Ms. Morales Rodríguez withdrew.*

48. *At the invitation of the Chairman, Mr. Ahmed (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro) took a place at the petitioners' table.*

49. **Mr. Ahmed** (Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro), speaking on behalf of the Saharan people, said that the continued illegal occupation of Western Sahara by Morocco and its constant obstruction of the efforts of the United Nations and the Organization of African Unity were in clear defiance of the Charter of the United Nations. The Saharan people were still hoping that they would be decolonized through the full application of the settlement plan accepted by the Security Council and the two parties to the conflict.

50. Morocco had impeded the implementation of the settlement plan and the Houston Agreements once it had concluded in February 2000 that a referendum would lead to Saharan independence, a fact confirmed by the Secretary-General in his last report on the question to the Security Council (S/2002/178, para. 48). Unfortunately, the arguments given subsequently by the Secretary-General for suspending the implementation of the settlement plan did not underscore Morocco's responsibility so unequivocally. The Frente POLISARIO considered that the alternative options put forward, such as the so-called "draft framework agreement", were totally unacceptable, for they were approaches designed to camouflage and legitimize the colonial occupation of his country. Many — first and foremost the Saharan people — had been unable to understand how the United Nations could allow itself to be implicated directly or indirectly in such a premeditated conspiracy against its own resolutions and principles. Its failure to take a firm stand to persuade Morocco to fulfil its prior undertakings had opened the door to any number of contradictory proposals for a solution.

51. In the course of its occupation, the Moroccan Government had caused dozens of Saharan prisoners of war and political prisoners to disappear without a trace. MINURSO, on the surprising pretext that protecting human rights was not spelled out in its mandate, had looked the other way as 140 political prisoners currently held in notoriously bad conditions in a prison in Aaiun had gone on a hunger strike in protest. At the same time, the referendum for self-determination, which had been spelled out, remained in a political limbo.

52. The natural resources of his country were increasingly being pillaged by Morocco and offered to the highest bidder in classical colonial fashion, and that was being done with impunity in the presence of a United Nations Mission that was virtually the prisoner of the will of the occupying forces. Such a state of affairs required a convincing response. Postponing the moment of truth would only harden the obstruction and intransigence and erode the faith of an innocent people in the United Nations.

53. Two developments in the past year should assist the Committee to hasten decolonization: the opinion of the Under-Secretary-General for Legal Affairs (in document S/2002/161) issued in February at the request of the Security Council and the reaffirmation by the Council in July (in resolution 1429 (2002)) that the settlement plan was the only valid solution and that the guiding principle must be self-determination.

54. With all other nations, the Saharan people rejoiced in Timor-Leste's accession to independence, at the end of a long and legitimate struggle for freedom. Now the United Nations must decisively put an end to the other tragic injustice that was still being committed in Western Sahara. The Saharan people would not abandon its goal of full sovereignty over the entire national territory and would continue to fight against Moroccan occupation, although at the same time it was open to peace within the framework of international law as embodied in the settlement plan. A just and lasting peace would redound to the benefit of the entire region; and the Saharan people, once it recovered its sovereignty, was prepared to play its part in the common effort towards the peaceful economic and

democratic development of all the peoples of the region.

55. *Mr. Ahmed withdrew.*

56. *At the invitation of the Chairman, Ms. Teuwen (Oxfam Solidarity and Task Force for European Coordination of Support for the Saharan People) took a place at the petitioners' table.*

57. **Ms. Teuwen** (Oxfam Solidarity and Task Force for European Coordination of Support for the Saharan People), referring to the humanitarian situation of the Saharan refugees living in camps near Tindouf, Algeria, and in the territories controlled by the Frente POLISARIO, said that since 1986 the World Food Programme (WFP) had been responsible for delivering food aid to the most vulnerable 80,000 of those refugees, the number later expanded in 2000 to about 150,000. Yet by August 2002, less than 70 per cent of the allocated amount had been spent and little more than 60 per cent of the authorized food aid had been delivered. Moreover, WFP, for reasons of cost, was not providing all the stipulated nutritional components of the minimum calorie allotment for a refugee, and in the current month was expected to distribute only 11 per cent of that minimum calorie allotment. As a result, as reported in a joint press communiqué of UNHCR and WFP, 35 per cent of children under 5 were chronically malnourished, some of them severely.

58. UNHCR was responsible for non-food assistance to the Saharan refugees. There too, the figures were alarming: from a $5.5 million budget in 1998, the budget had declined to about $2.5 million in 2001; and UNHCR had not managed to spend even the curtailed budgets in full. It had failed to replace tents, deliver sufficient gas for cooking and lighting, or even provide adequate water to 92 per cent of the camp villages, which were receiving only 65 per cent of the acceptable minimum needed in the harsh Saharan climate. Also, owing to faulty transport vehicles, UNHCR distribution of food aid took twice as long as it should.

59. Under the circumstances, some donors had withdrawn their support, which they maintained had been going on for too long. Yet the proper response should be a different one. The international community had failed to step in to ensure strict respect for international law and for the agreements that were supposed to ensure self-determination by the Saharan people, despite repeated United Nations and European Parliament resolutions confirming the bases of a settlement. Nonetheless, while awaiting such a political solution, it was clear that the Saharan refugees had the right to adequate protection and assistance. The international community could not both fail to act and yet complain that the conflict and the need to protect refugees had lasted too long.

60. She appealed to the Committee and the General Assembly to act quickly to find a just and lasting solution, and in the meantime to help the refugees to live with dignity, especially by providing the necessary resources to WFP and UNHCR.

61. *Ms. Teuwen withdrew.*

62. *Ms. Price (Canada), Vice-Chairman, took the Chair.*

63. *At the invitation of the Chairman, Ms. Scholte (Defence Forum Foundation) took a place at the petitioners' table.*

64. **Ms. Scholte** (Defence Forum Foundation) said that the United Nations had failed miserably to fulfil its promise to hold a referendum on self-determination for the Saharan people. In February 2000, when Morocco, had submitted 130,000 challenges to the MINURSO Identification Commission, the United Nations had simply stopped the process, wasting six years' work and $500 million channelled into identifying eligible voters. United Nations officials had acknowledged that, had those voter challenges been examined, the referendum would have already occurred. As a further travesty, the Secretary-General's Personal Envoy, Mr. James A. Baker III, had begun trumpeting alternatives to the referendum, the latest of which, an autonomy plan contrary to everything the United Nations claimed to stand for, had fortunately been defeated by the Security Council in July.

65. It was critically important for the United Nations to resume working to bring about the promised referendum as soon as possible. Otherwise, its legitimacy and integrity would be called into question and efforts to promote economic development in the Maghreb would be undermined. The Moroccan people would continue to suffer as social spending resources were diverted to the military, and Saharans in refugee camps would continue to suffer from chronic food shortages and the heartbreak of being separated from their families for over a quarter of a century. She therefore hoped that the United Nations would make

every effort to decolonize Africa's last colony by organizing a free, fair and transparent referendum in Western Sahara.

66. *Ms. Scholte withdrew.*

67. *At the invitation of the Chairman, Ms. May (Renaissance Foundation) took a place at the petitioners' table.*

68. **Ms. May** (Renaissance Foundation) asked why it should require $500 million and 10 years to register 86,000 people to vote. Year after year, the referendum in Western Sahara had been delayed in order for the Moroccan Government to manipulate the outcome of who should be allowed to vote as an officially recognized citizen. Since Western Sahara had originally been a colony of Spain, and was often referred to on maps as "Spanish Sahara", it was not clear why Morocco had suddenly claimed it as part of its territory when the decolonization process had begun in 1974. The United Nations had been manipulated for years by a country that had no intention of abiding by the results of a referendum or acknowledging that certified voters could determine their own destiny. Aware that Saharans who had been separated from their families, denied the right to travel freely, forced to live in refugee camps with the bare necessities and suffered inhumane treatment would not submit to its rule, Morocco was interested only in stalling the referendum process. Surely, it would use the five years allowed under the draft framework agreement (its preferred option) to move its own people into the area, establish their residency and then, while the territory was still under its sovereignty, hold a referendum when it was assured of the outcome. The draft framework agreement was contrary to United Nations resolutions on Western Sahara and to the decision of the International Court of Justice handed down on 16 October 1975, which found no tie of territorial sovereignty between the Territory of Western Sahara and Morocco. Even the Secretary-General's Personal Envoy had recognized that an independent Saharan State would contribute to stability in the Maghreb. Since it was quite obvious that the citizens of Western Sahara wanted sovereignty but would never be given a chance to vote for it, the original ruling by the International Court of Justice should be implemented directly without any intermediate steps.

69. *Ms. May withdrew.*

70. *At the invitation of the Chairman, Pastor Dan Stanley (US-Western Sahara Foundation Church Liaison Office) took a place at the petitioners' table.*

71. **Pastor Dan Stanley** (US-Western Sahara Foundation Church Liaison Office) said that the adoption of General Assembly resolution 1514 (XV) had filled Saharan families with hope that the decolonization of Western Sahara and self-determination were imminent. Now, over 40 years and a full generation later, their dreams had not been realized. In the interim, family members had perished, been injured in the war or arrested, as Saharans continued to live in tents in the desert, having been lied to by the rest of the world.

72. *Pastor Dan Stanley withdrew.*

73. *Mr. Maitland (South Africa) Chairman, resumed the Chair.*

74. *At the invitation of the Chairman, Mr. Ruddy (retired Ambassador of the United States of America) took a place at the petitioners' table.*

75. **Mr. Ruddy** (Retired Ambassador of the United States of America) recalled that, in 1995, Secretary-General Boutros-Ghali had personally intervened to prevent him from having his petition heard by the Committee. When he had registered voters for the referendum in 1994, he had expected Morocco to act honourably and had been less sure of the Frente POLISARIO. In fact, the opposite had occurred. The Moroccans had manipulated voter registration, excluding thousands of Saharans, and terrorized the local population of Western Sahara. Observing the solidarity of Saharans in various refugee camps in Algeria and Moroccan-occupied Western Sahara, and realizing that any referendum would not be in its favour, Morocco had launched a campaign of endless delays. On 28 August 1994, when voter identification had begun, MINURSO had ceased to be a United Nations operation, to become instead the instrument of Moroccan domination, to the point where he had submitted his reports not only to the Special Representative of the Secretary-General, but also to a representative from Rabat. Morocco had tapped telephone lines to United Nations Headquarters, tampered with MINURSO mail, and searched the rooms of MINURSO personnel without any protest by United Nations authorities. In January 1995, he had given a full account of those activities to the United States House of Representatives.

76. That had been followed by the disappointment of the Houston Accords, negotiated by the Secretary-General's Personal Envoy, Mr. James A. Baker III, recommending a five-year period of autonomy followed by a referendum. It was quixotic to think that, if the United Nations had not been capable of holding a referendum after 11 years, it would suddenly be able to do so in five years. Although the United Nations had discussed self-determination and condemned colonialism ad nauseam, and the International Court of Justice had even found Moroccan occupation of Western Sahara unlawful, the Organization's ineffectiveness in organizing a referendum called its moral and legal authority into question.

77. *Mr. Ruddy withdrew.*

78. *At the invitation of the Chairman, Ms. Finkler (Office of United States Congressman Joseph R. Pitts) took a place at the petitioners' table.*

79. **Ms. Finkler** (Office of United States Congressman Joseph R. Pitts), speaking on behalf of Congressman Pitts, deplored Morocco's invasion and occupation of Western Sahara, in defiance of the 1975 ruling of the International Court of Justice, and its recent attempts to abandon negotiated, signed agreements under the pretext that there was no mechanism to enforce the results of the referendum. Throughout the year 2000, the United Nations, at the behest of certain parties, had advocated a nebulous alternative to the referendum, either out of a lack of ability or willingness to implement it. She therefore welcomed the most recent Security Council resolution 1429 (2002), adopted in July, which reaffirmed that any solution to the conflict over Western Sahara must be based on the right to self-determination. Meanwhile, the Saharan people remained in refugee camps in the harsh Sahara desert, children suffered from malnutrition and lack of medical care, and Saharans living in the Moroccan-occupied part of the Territory were denied economic rights and ever fearful that their rights to freedom of speech, association and assembly would be violated. Prisoners of conscience in the disputed territory were among the "disappeared".

80. Recently, there had been disturbing reports that the Moroccan Government had signed contracts with foreign companies for the exploration of resources in Western Sahara. In that connection, she stressed the legal opinion given in January 2002 by the Legal Counsel of the United Nations, stating that Morocco had no sovereignty or right of legal administration over Western Sahara, and that any exploitation of the resources of Western Sahara without the consent of its people was in violation of the principle of international law (S/2002/161, para. 25).

81. Although the situation of Western Sahara closely paralleled that of Timor-Leste, the world was not coming to the rescue of the Saharan people. In January 2000, the United Nations had published a list of voters which had included 86,381 eligible individuals. The only remaining task was an appeals process concerning those persons not approved, which could be completed in a relatively short time if the United Nations adhered strictly to the terms of the protocol for the appeals procedures which it had brokered in May 1999. Stability and security in North Africa were in the strategic interest of the international community which she urged to support self-determination for the Saharan people. She made the same appeal to her own Government.

82. *Ms. Finkler withdrew.*

83. *At the invitation of the Chairman, Ms. Camargo (American Association of Jurists) took a place at the petitioners' table.*

84. **Ms. Camargo** (American Association of Jurists) said that, as an organization committed to the right of self-determination of peoples and the struggle against imperialism and colonialism, the American Association of Jurists defended the inalienable right of the Saharan people to self-determination and independence, in accordance with General Assembly resolution 1514 (XV), the Charter of the United Nations, and the settlement plan providing for a referendum on self-determination. It urged the United Nations to hold a referendum without further delay and to cease proposing alternatives which amounted to imposing solutions without the consent of the parties. Indeed, alternatives, such as the proposed framework for autonomy under Moroccan sovereignty and the withdrawal of United Nations personnel, would violate the Saharans' right to self-determination and undermine the credibility of the United Nations as an institution. A number of Nobel Prize winners, including José Ramos-Horta from Timor-Leste, Rigoberta Menchú Tum from Guatemala, Oscar Arias Sánchez from Costa Rica, Adolfo Pérez Esquivel from Argentina and Mairead Maguire from Northern Ireland, had made that point to the Secretary-General. The

referendum was the only path to peace, and to preventing renewed armed conflict, which would affect the entire region. The endless postponement of the referendum, including Morocco's addition of thousands of names to the voter lists and its submission of 130,000 appeals, were but a pretext to obstruct the process of self-determination. The tenor of Security Council resolution 1429 (2002), renewing the mandate of MINURSO to 31 January 2003, was therefore encouraging.

85. The United Nations was also responsible for protecting the territorial integrity and natural resources of Western Sahara, which was deeply coveted by transnational economic interests and major Powers for its mineral and oil wealth. The agreements between Morocco, the United States firm Kerr McGee du Maroc Ltd. and the French firm TotalFinaElf E&P Maroc to explore and exploit Western Sahara's oil resources were of questionable legality. Indeed, Mr. Corell, Under-Secretary-General for Legal Affairs, the Legal Counsel, in his letter to the Security Council of 29 January 2002, indicated that such activities in a Non-Self-Governing Territory violated Security Council resolutions and the Charter of the United Nations. He also clarified that the Declaration of Principles on Western Sahara ("the Madrid Agreement") of November 1975 did not transfer sovereignty over the Territory of Western Sahara or confer upon any of the signatories the status of an administering Power, a status which Spain alone could not have unilaterally transferred (S/2002/161, para. 6). The occupation of Western Sahara by Morocco was therefore a violation of international law.

86. In conclusion, she urged the Committee to take note of the harsh living conditions of more than 160,000 persons in the Tindouf refugee camps and Spain, as a former colonial Power, to assume its responsibility to assist the United Nations in the decolonization of Western Sahara.

87. *Ms. Camargo withdrew.*

Organization of work

88. **The Chairman** drew Committee members' attention to the fact that two draft resolutions and one draft decision had been circulated that day as Chairman's texts, namely, the draft resolution on the question of Western Sahara (A/C.4/57/L.2), the draft resolution on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (A/C.4/57/L.3) and the draft decision on the question of Gibraltar (A/C.4/57/L.4).

89. In the draft resolution on the question of Western Sahara, the words "to the people" should be inserted after "suffering" in the thirteenth preambular paragraph beginning "Stressing that the lack of progress ...".

The meeting rose at 5.50 p.m.

United Nations A/C.4/57/SR.5

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 5th meeting
Held at Headquarters, New York, on Thursday, 3 October 2002, at 3 p.m.

Chairman: Mr. Maitland ..... (South Africa)
later: Ms. Ferrari (Vice-Chairperson) ..... (Saint Vincent and the Grenadines)

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The meeting was called to order at 3.10 p.m.

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*)

Hearing of representatives of Non-Self-Governing Territories and of petitioners

Question of Gibraltar (A/C.4/57/2; A/C.4/57/L.4)

1. *At the invitation of the Chairman, Mr. Caruana (Chief Minister of Gibraltar) took a place at the table.*

2. **Mr. Caruana** (Chief Minister of Gibraltar) referred to the Committee's draft decision (A/C.4/57/L.4) urging Spain and the United Kingdom to continue their negotiations aimed at "overcoming all the differences between them over Gibraltar". Did the "spirit of the Charter" as applied to Gibraltar take into account the wishes of the Gibraltarian people, or did it give Spain the right to restore European boundaries to what they had been in 1704? The principle of territorial integrity had been invoked by the new Minister for Foreign Affairs of Spain during the general debate in the plenary Assembly, but the issue of decolonization and territorial integrity could not be merged. Spain's argument in favour of sovereignty was therefore flawed; perhaps that was why both Spain and the United Kingdom had denied Gibraltar's request to refer those issues to the International Court of Justice for an advisory opinion.

3. The interaction between the principle of territorial integrity and the right to self-determination was clearly explained in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, in the preamble and under the heading entitled "The principle of equal rights and self-determination of peoples" (General Assembly resolution 2625 (XXV), which specified that territorial integrity could not be impaired where a Member State was "possessed of a government representing the whole people belonging to the territory". Since Gibraltar was not currently part of Spain and had not been since 1704, that criterion did not apply. Clearly, the sole intention of that provision was to prevent the disintegration of sovereign States as they were currently constituted. Spain was thus misapplying the principle with the aim of denying the Gibraltarian people their right to self-determination. If Spain and the United Kingdom would not give them an opportunity to prevail in an international court of law, the people of Gibraltar would persist in their political struggle.

4. There were three fundamental strands to Spain's reasoning: Gibraltarians were not an "indigenous" people and therefore had no right to self-determination; Gibraltar was an enclave; and a clause in the Treaty of Utrecht of 1713 prevented the decolonization of Gibraltar by any means other than its integration into Spain. The people of Gibraltar, however, had been established in the Territory since 1704, not to mention that half the world's colonies (including Spain's) had been decolonized by and for non-indigenous descendants of colonizing powers. Moreover, there was no special rule denying the right of self-determination to enclaves. The Treaty of Utrecht did not even mention colonization and decolonization and, in any case, Great Britain had not claimed Gibraltar as a colony until 126 years after its signature. Spain was thus misusing the Treaty of Utrecht in an effort to blur the distinction between the principles of decolonization and sovereignty.

5. Nonetheless, the United Nations continued to favour Spain and the United Kingdom in its annual consensus decisions. The people of Gibraltar urged the Committee to refer the case to the International Court of Justice for an advisory opinion; to amend the Committee's draft decision in order to give the people of Gibraltar an equal and separate voice in the dialogue; and to affirm the primacy of the wishes of the people of Gibraltar and the principle of self-determination.

6. He had indeed declined an invitation to participate in bilateral British-Spanish negotiations which had resumed the previous year under the so-called Brussels Agreement. That was because he would not have had an equal say or any assurances against being excluded from agreements reached between the United Kingdom and Spain, which would have used him to help flesh out the details of an agreement on joint sovereignty, thus, the results of the negotiations had been predetermined from the outset.

7. Despite a massive demonstration on 18 March by the population of Gibraltar to plead with the British Government not to make concessions on principle to

Spain, and the unanimous adoption by Gibraltar's Parliament on 25 March, of a resolution to that effect, the United Kingdom Foreign Secretary, Mr. Jack Straw, had formally stated in the British Parliament that the United Kingdom and Spain were in broad agreement on many principles of a settlement on sharing sovereignty. That amounted to betrayal and a violation of the Gibraltarian people's right to self-determination, the spirit of the Charter of the United Nations and the Declaration on the Granting of Independence to Colonial Countries and Peoples. While the British Foreign Secretary had claimed that nothing would be implemented without the consent of the people of Gibraltar, the very fact that the United Kingdom had felt free to enter into such an agreement was a violation of their political rights, in particular their right to self-determination. Even if the Gibraltarian people eventually rejected a joint-sovereignty agreement, that agreement would nonetheless remain in effect between the United Kingdom and Spain, and it would, in any case, be a number of years before the United Kingdom submitted the question to a referendum. Therefore, Gibraltar soundly condemned Mr. Straw's statement.

8. His Government's response had been to call its own referendum on 7 November 2002 in order to give the people of Gibraltar an early and timely opportunity to express their views on the question of joint sovereignty. Noting that the referendum would be observed by many independent international observers, he invited the Committee, the Special Committee on decolonization and the Office of the Secretary-General to designate observers as well.

9. The Spanish and British Governments had condemned the Gibraltarian referendum as, respectively, an attempt to interfere in the successful development of their negotiations, a waste of money, a short-circuiting of democracy and a short-changing of the people of Gibraltar. The British Government's reaction had met with condemnation by all sectors of British society, including political parties, the press, trade unions, the business community and the public at large. He hoped the Gibraltarian position, particularly on referring the matter to the International Court of Justice, would be reflected in the Committee's draft decision.

10. **Mr. Lewis** (Antigua and Barbuda) said that he would appreciate a legal opinion to clarify whether the issue was one of decolonization or sovereignty, and thus whether the Committee had a mandate to take action. In that context, he recalled that the administering Power had prevented the Special Committee on decolonization from carrying out a study requested by the people of Guam. It seemed that the United Nations would not act without the approval of an administering Power, and thus would not visit a Territory to carry out a study merely at the request of its people and their elected Government.

11. **Mr. Huntley** (Saint Lucia) asked whether the Government of Gibraltar had to obtain the approval of the United Kingdom in order to hold a general election, and whether the British Government would recognize the results of those elections.

12. **Mr. Caruana** (Chief Minister of Gibraltar) replied that parliamentary elections in Gibraltar were governed by statutory law and that there was therefore no need to obtain permission from the United Kingdom, which had no role whatsoever in the electoral process. His Government could dissolve Parliament, call an election or convene a referendum without British approval. Both the British and Spanish Governments had indicated that they would not recognize the results of the referendum, which would be observed by many Members of Parliament from the United Kingdom's governing party, representatives of the Commonwealth Parliamentary Association and other reputable international bodies.

13. **Mr. Ovia** (Papua New Guinea) wondered whether it was time to remove Gibraltar from the decolonization lists maintained by the Committee and the Special Committee on decolonization, since, for all intents and purposes, it was already a self-governing State, complete with a territorial assembly and the power to hold elections or referendums.

14. **Mr. Caruana** (Chief Minister of Gibraltar), replying to delegations' questions, said that, while the executive and legislative branches of his Government were self-governing, they functioned within the confines of a colonial constitution. That was precisely why, beyond removal from the decolonization list, his Government sought constitutional reform and modernization, and the status of a fully self-governing State that was not dependent on bilateral sovereignty negotiations.

15. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) stressed the very unique situation of Gibraltar. Despite its very advanced stage of political evolution, and the fact that an issue of sovereignty was yet to be resolved, the

underlying and essential issue was one of decolonization, which was why it had been placed on the list in the first place. Once the sovereignty issue was resolved, decolonization must inevitably follow.

16. *Mr. Caruana withdrew.*

17. *At the invitation of the Chairman, Mr. Bossano (Leader of the Opposition, Parliament of Gibraltar) took a place at the petitioners' table).*

18. **Mr. Bossano** (Leader of the Opposition, Parliament of Gibraltar) said the recently appointed Minister for Foreign Affairs of Spain had indicated to the General Assembly that Ceuta and Melilla were African possessions of Spain. However, the inhabitants did not have the right to self-determination recognized in international law, because the issue was purely a territorial dispute between two States Members of the United Nations, which would only be resolved by negotiation. The case of Gibraltar was different, because it was a colony and could only be decolonized by exercising its right to self-determination; yet, the Foreign Minister had maintained that decolonization should be implemented by applying the so-called principle of territorial integrity, thereby depriving the people of Gibraltar of that right.

19. It was not the prerogative of United Nations bodies to selectively determine to which colonial peoples the United Nations instruments relating to decolonization would be applicable. All the international experts had concluded that Gibraltar's right to self-determination could not be challenged. Many Member States had once been colonies, and their conquest by a colonial Power had fragmented the territorial integrity of sovereign States.

20. In their renewed negotiations, the United Kingdom and Spain were working towards an agreement to share the sovereignty of Gibraltar. In November 2001, the opposition had called for a referendum on the issue to decide whether to accept that plan or to pursue the decolonization option on the basis of a new constitution. In January 2002, Parliament had unanimously approved the draft text of the constitution and in March it had adopted a resolution to inform the United Kingdom that it rejected any Anglo-Spanish agreement which made concessions to Spain. In July, the United Kingdom's Foreign Secretary had informed the House of Commons that broad agreement had been reached with Spain on shared sovereignty. However, in accordance with paragraph 5 of General Assembly resolution 35/118, the Committee was required to categorically reject any agreement by a colonial Power which denied the inalienable right of peoples under colonial domination to self-determination.

21. A referendum would be held in November 2002 to support or reject the United Kingdom's plan, and the opposition would campaign for rejection. The United Kingdom had said that it would ignore the results of the referendum. However, the arguments it had used in 1967 to oppose the resolution in which the Committee had rejected the results of the 1967 referendum and, according to Spain, had established the doctrine of territorial integrity were even more valid when applied to the colonial Power, which was required to respect and abide by the wishes of the colonial people under the terms of the Charter. The United Kingdom had complained at that time that a resolution which appeared to condemn a free consultation of the wishes of a colonial people was without precedent for the Fourth Committee, and that it would be scandalous if the fate of the people of Gibraltar were to be settled over their heads, contrary to their declared wishes, as the resolution required.

22. It appeared that the Committee favoured the Brussels negotiations. However, that would not deflect the people of Gibraltar from pursuing their legitimate aspirations for decolonization; they would never compromise or give up their right to self-determination. The dispute over the question of Gibraltar was not a dispute between the United Kingdom and Spain, but between the people of Gibraltar and the United Kingdom, because the latter had failed to meet its obligation under the Charter to decolonize Gibraltar. The Committee was also failing in its obligations, by giving tacit support to two colonial Powers which were conspiring to deprive the people of Gibraltar of their rights.

23. *Mr. Bossano withdrew.*

Question of Guam (A/57/23 (Part III), chap. XIII (F) B.VI)

24. *At the invitation of the Chairman, Mr. Bettis (Office of the Governor, Guam) took a place at the petitioners' table.*

25. **Mr. Bettis** (Office of the Governor, Guam), observed that the new approaches taken over the past two years by the Special Committee on decolonization

to engage administering Powers should speed up the slow rate of decolonization of the remaining Non-Self-Governing Territories. Both the administering Powers and the peoples of the Territories must be brought more fully into meaningful discourse with the Special Committee.

26. His Government supported the language of the draft resolution on Guam that was before the Fourth Committee (A/57/23 (Part III), chap. XIII (F) B.VI). It reflected the administering Power's failure to address many issues raised by popular referendum, including the effect of its immigration policies on the status of the native Chamorro people in their homeland, and the fact that it had consistently rebuffed or ignored all decolonization options put forward by Guam itself. New language in the draft resolution noted the rising poverty in Guam, one of the sad effects of the current colonial policy of the United States. The text, in sum, accurately reflected the obligations of the administering Power as they related to Guam. Although Guam was not expecting the resolution suddenly to produce the desired action, at least it refocused attention on the unfinished business of decolonization. The continuing abrogation of the rights of a relative handful of people scattered among a few Pacific or Caribbean islands was just as much a matter of international concern, as far more complex issues involving peace and security.

27. The international community's responsibility to advance the human rights of colonized people was clear, and rooted in the Charter of the United Nations and its resolutions. Underdevelopment through subjugation by an external and undemocratic administration was too high a price to pay. Of course, administering Powers did not like hearing references to subjugation, or exploitation as violations of human rights, yet such words were real if one lived in a colony. In Guam, the government's actions were limited by the boundaries set down by the administering Power. In the past, Guam suggested that the United Nations might make provision for the governments of Non-Self-Governing Territories to seek guidance from the International Court of Justice with respect to their rights; and such an approach would help to clarify the rights and responsibilities of all parties in moving beyond the status quo of colonialism to the promise of self-government. Guam had proposed a process for its own self-determination and decolonization, and what was missing was the administering Power's engagement in the process by dismantling its external administrative mechanisms. His government supported the Special Committee's efforts to bring all relevant parties to the table, and would welcome a visiting mission by that Committee.

28. **Mr. Tanoh-Boutchoué** (Côte d'Ivoire) said that the question of Guam was one of the most complex issues on the Committee's agenda. Mr. Bettis had referred to aspects of colonization that some would prefer to forget; nevertheless, colonization was a reality. He wondered whether negotiations were under way between the administering Power and the representatives of the Territory within the United States Congress and what stage they had reached.

29. **Mr. Bettis** (Guam) replied that there was no ongoing discussion on Guam's status. The Guam Commonwealth Act had last been considered by the United States Congress in October 1998. In 1999, the United States Senate had encouraged the Administration to resume discussions with Guam but that had not occurred. Currently, there were ongoing discussions with regard to American Samoa, which appeared to have precedence, even though Guam had been pressing for a change in its status for more than a decade.

30. **Mr. Huntley** (Saint Lucia) asked why the process that was being organized by the Guam authorities to consult the people on the options they wished to pursue had been postponed.

31. **Mr. Bettis** (Guam) said that there was a legal process under way for a vote among the Chamorro population of Guam on their preferred political status. The process involved voter registration, to be overseen by the Guam Election Commission; however, the Commission had been involved in a lawsuit that had been settled only recently by the Guam Supreme Court. Consequently, it had not carried out the registration process, and no plebiscite would be held in 2002.

32. *Mr. Bettis withdrew.*

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*continued*) (A/57/23 (Part II), chaps. VI, IX-XI, A/57/23 (Part II/Add.1), A/57/23 (Part III), chap. XIII (D-F, H) and A/57/206; A/C.4/57/L.2 and L.4; Aide mémoire 1/02; A/AC.109/2002/CRP.2)

Agenda item 80: Information from Non-Self Governing Territories transmitted under Article 73 *e* of the Charter of the United Nations (*continued*) (A/57/23 (Part II), chap. VIII, A/57/23 (Part III), chap. XIII (A) and A/57/74)

Agenda item 81: Economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories (*continued*) (A/57/23 (Part II), chap. V, A/57/23 (Part III) and chap. XIII (B))

Agenda item 82: Implementation of the Declaration of the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/57/23 (Part II), chap. VII, A/57/23 (Part III), chap. XIII (C) and A/57/73; A/C.4/57/CRP.1)

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/57/3)

Agenda item 83: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/57/90 and Add.1; A/C.4/57/L.3)

33. **Mr. Moungara-Moussotsi** (Gabon) said that the United Nations and also the African Union (formerly the Organization of African Unity) could be proud of their contributions to decolonization. In the case of Western Sahara, the efforts of the Secretary-General and his Personal Envoy, James Baker, and also of the Kingdom of Morocco, to try and find a fair and final solution to the conflict should be recognized. Even though the four options proposed by the Secretary-General had not achieved consensus, efforts to find a political solution should continue.

34. **Mr. Ouch** (Cambodia), speaking on behalf of the countries of the Association of South-East Asian Nations (ASEAN), said that, although more than 80 million people had been granted independence since the United Nations adopted the Declaration on decolonization, 16 Non-Self-Governing Territories continued to seek their political future.

35. With regard to the critical role played by administering Powers in the decolonization process, the association considered that New Zealand had made a very positive contribution in the case of Tokelau. The partnership between that country and the Special Committee was an excellent model for other Non-Self-Governing Territories. Indeed, the Committee's plan to intensify its dialogue and cooperation with administering Powers in 2003 was to be commended.

36. In addition to increased bilateral efforts, the United Nations and its specialized agencies should increase their involvement in assistance to Non-Self-Government Territories. Annual regional seminars under the auspices of the Special Committee were a useful channel to strengthen efforts in that direction and should be encouraged. The Association would continue to campaign for the prompt implementation of the Declaration and other relevant United Nations resolutions.

37. *Ms. Ferrari (Saint Vincent and the Grenadines), Vice-Chairperson, took the Chair.*

38. **Ms. Mulamula** (United Republic of Tanzania) said that the removal of East Timor from the list of Non-Self-Governing Territories, and its attainment of independence as Timor-Leste, constituted a milestone in the organization's efforts towards full implementation of the Declaration. Nevertheless, much remained to be done. Little noticeable progress had been made in the implementation of the Settlement Plan for Western Sahara. The referendum should be held without further delay.

39. Her delegation endorsed the report of the Special Committee on decolonization and commended it for the successful visiting mission to Tokelau in August 2002. The cooperation of the administering Power, New Zealand, was exemplary. The recommendations of the visiting mission, if implemented, could expedite the decolonization of the remaining Non-Self-Governing Territories. Her delegation noted with concern, however, that there was confusion among the inhabitants of Tokelau regarding the role of the United Nations in decolonization and the nature of the options available to Non-Self-Governing Territories. The Department of Public Information should ensure wide dissemination of information on the role and achievements of the United Nations.

40. If the administering Powers were cooperative, the remaining cases of decolonization could be concluded quickly. It was important to achieve that goal without delay, so that all resources could be directed to the fight against extreme poverty and underdevelopment.

41. **Mr. Andjaba** (Namibia) said that even as Timor-Leste's accession to independence was being celebrated, there was deep concern about the continued illegal occupation of Western Sahara, the only African country still under foreign occupation — and, sadly, by a fellow African country. The Saharan people's only hope was for the United Nations to deliver them from oppression by implementing the settlement plan for Western Sahara and enabling them to exercise their long-overdue right to self-determination. The settlement plan, recently re-endorsed in Security Council resolution 1429 (2002), was the only legal and viable framework for a solution. Yet the holding of a free and fair referendum had been frustrated by the occupying Power's delaying tactics and by the introduction of the so-called Framework Agreement, which had now rightly been rejected. Having invested vast resources and achieved substantial progress, the United Nations should bring the process back on track without further delay. As a country emerging from apartheid colonialism, Namibia reaffirmed its unwavering solidarity with the people of Western Sahara in their just struggle, and hoped soon to welcome that country as a full member of the community of nations.

42. **Mr. Yahya** (Libyan Arab Jamahiriya) welcomed the independence of Timor-Leste, a development in which Indonesia had played a commendable role. He also praised New Zealand's cooperation with the Special Committee, in particular its invitation to members of the Committee to visit Tokelau in August 2002 and the willingness it displayed to work for the benefit of the people of Tokelau.

43. His delegation called on the other administering Powers to comply with General Assembly resolutions which appealed to them to cooperate with the Special Committee, to facilitate the attendance of representatives of the Territories at various activities connected with the eradication of colonialism and the attainment of self-determination, to submit political, economic and social information on the people of the Territories, not to plunder their natural resources or store nuclear waste in those Territories and to refrain from carrying out military exercises in the territories or using them as a base for aggression against other States. It was encouraging to note in that connection the willingness of a number of administering Powers to continue informal dialogue with the Special Committee and to respond to the wishes of the peoples under their administration should they wish to attain freedom and independence.

44. At the same time, it was a matter of regret that certain colonial Powers continued to ignore the wishes of the people under their administration. One example of that was contained in the decision of the Special Committee (A/AC.109/2002/22) concerning the situation on Vieques Island, Puerto Rico, which had been used for over 60 years by the United States for military manoeuvres, thereby limiting access by the civilian population to an area equivalent to barely a quarter of the island. The resolution also pointed out that the United States was continuing its military manoeuvres there and was incarcerating hundreds of peaceful demonstrators, including political figures. It also stated that there was a consensus among the people and within the Government of Puerto Rico on the urgency of halting the military manoeuvres, on the return of the occupied land to the people of Puerto Rico and on the right of Puerto Rico to self-determination and independence.

45. His delegation hoped that all administering Powers would comply without delay with the relevant General Assembly resolutions in assisting the peoples concerned to exercise their right to self-determination and would refrain from concluding bilateral agreements which took no account of the rights of the peoples concerned.

46. Fiji had made a valuable contribution by holding the Pacific Regional Seminar in May 2002, which had provided an opportunity for exchanges of views on the future of peoples under occupation. His delegation supported all the recommendations of the seminar, including those from non-governmental organizations and experts, and made a further recommendation that the General Assembly might hold a special session concerning the situation of colonial countries and peoples which would enable representatives of the Territories concerned to address the General Assembly directly on the subject of the aspirations of their peoples for freedom and independence. It might be appropriate to hold such a session during the general debate at the sixtieth session of the General Assembly.

47. In conclusion, he recalled the message of the Secretary-General to the participants in the Pacific Regional Seminar in which he had pointed out that there was no place in the twenty-first century for the

vestiges of colonialism and expressed support for all efforts to close that chapter of history once and for all.

48. **Mr. Bennouna** (Morocco) said that one could rightly wonder why the Committee was still, after so many years, debating the so-called question of Western Sahara. The people of the provinces of southern Morocco that were at issue had just peacefully and transparently elected representatives to the Moroccan Parliament, and yet the surreal debate continued. The Security Council itself, in resolution 1429 (2002), had called for a political solution.

49. When in 1956 Morocco had acted legitimately to re-establish its territorial integrity by reclaiming its southern provinces, Algeria had objected, arguing hitherto-unknown strategic-defence interests. That dispute had had disastrous humanitarian consequences, with refugees being held in Algerian camps for almost 30 years, subjected to indoctrination and deprived of decent lives for themselves and their children. In addition, almost 1,300 Moroccan prisoners, the longest-held in the world, were in camps in Algerian territory under their jailers of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente POLISARIO), in violation of international humanitarian law, as recently recalled in the latest Security Council resolution. All prisoners must be released immediately and not piecemeal, like political pawns, and the refugees must regain their freedom of expression and freedom of movement. Morocco had answered an appeal by the Office of the United Nations High Commissioner for Refugees (UNHCR) by offering to help institute confidence-building measures, but without response.

50. The political aspects of the dispute between Algeria and Morocco, which was affecting the economic development of the Maghreb and compromising the future of a region with enormous potential for national and foreign investment, also needed immediate settlement. It should be noted that an official proposal for a political settlement put forward in 2001 by the Personal Envoy of the Secretary-General — the Framework Agreement on the Status of Western Sahara — would, by reconciling Morocco's right of sovereignty and the people's aspirations for local autonomy, have allowed Algeria to normalize its relations with Morocco and reap the benefits of free circulation of goods and persons between the Mediterranean, the Sahara and the Atlantic. Algeria and the Frente POLISARIO, however, had refused to enter into negotiations on the Framework Agreement, as encouraged by the Security Council in resolution 1359 (2001), and had instead proposed a partition of the Territory, in complete disregard of the people's right to self-determination.

51. However, one must now look to the future. The Security Council was offering a second chance, by suggesting further political mediation by the Personal Envoy of the Secretary-General. It was not necessary to agree on contentious issues in advance, as the other parties maintained: the point of negotiations was to clarify them. Morocco hoped that all parties would seize the opportunity to seek a rapprochement. The solution would lie in delegating broad powers to agreed regional institutions, a proven and modern approach successful elsewhere and one which Morocco was ready to discuss in good faith. It hoped that its fellow country, Algeria, would do the same.

52. **Mr. Kok** (Singapore) said that, during the nascent years of its nationhood, Singapore had learned tremendously from the training provided by other countries and international organizations. Member States and the United Nations system should continue to provide technical assistance to the Non-Self-Governing Territories. He urged the Special Committee to further strengthen efforts in that area.

53. In 1992, the Ministry of Foreign Affairs of Singapore had established the Singapore Cooperation Programme with a view to sharing knowledge in various fields, such as information technology, communications and transport, management and productivity, public administration and law. Since 1995, Singapore had offered scholarships to students from Non-Self-Governing Territories in a number of such areas. As of June 2002, training had been provided to over 200 participants from various Non-Self-Governing Territories.

54. **Mr. Alfa Zerandouro** (Benin) said that the administering Powers should cooperate more with the United Nations and the peoples of Non-Self-Governing Territories in order to guarantee the necessary conditions for exercising self-determination. The international community and the United Nations specialized agencies should work to ensure better living standards for the peoples of the Territories.

55. On the question of Western Sahara, his delegation was pleased that a ceasefire had been in effect since 1991 and that the parties concerned had expressed their

willingness to continue observing it as long as possible. Efforts to settle the dispute must be undergirded by a strong political will to serve the best interests of the entire region and its people. After two decades, it was time for the international community to do its utmost to bring the parties closer to agreement.

56. **Mr. Haggag** (Egypt) said that the Pacific Regional Seminar held in May 2002 had been a step towards the eradication of colonialism and had enabled the Special Committee to ascertain the views of the peoples of the small island Non-Self-Governing Territories.

57. Referring to the commitment made in the Millennium Declaration concerning the right to self-determination, he said that his delegation expected the administering Powers to fulfil their responsibilities and to display a spirit of flexibility and political realism to enable the Committee to assist the peoples of the Non-Self-Governing Territories to attain self-government. In that connection, he welcomed the participation in the work of the Special Committee of the delegations of New Zealand and France and the informal discussions held by the Special Committee with the delegations of the United Kingdom and the United States. He appealed to the administering Powers to follow the example of New Zealand with respect to Tokelau and to cooperate with the Special Committee in its efforts to send visiting delegations to the Non-Self-Governing Territories so as to ascertain at first hand the aspirations of the population of those Territories. He also urged the administering Powers to continue to transmit the relevant political, economic and constitutional information to the Special Committee concerning the territories, and urged the administering Powers to respect the legitimate rights of the peoples of the Non-Self-Governing Territories to sovereignty over their natural resources and to refrain from any form of military activity that might have an adverse impact on the interests and welfare of the population of those Territories.

58. A few days previously Timor-Leste had become a Member of the United Nations. He commended the Government of Indonesia on its cooperation which made that outcome possible, beginning with its decision to organize a referendum in August 1999, and on its resolve to establish relations of good-neighbourliness and cooperation with the democratically elected authorities of Timor-Leste.

59. The United Nations was continuing its efforts to resolve the dispute in Western Sahara. It was to be hoped that those efforts would continue until a just and comprehensive settlement had been reached. His delegation looked forward to the role to be played by the United Nations, particularly after the conclusion of the discussions in the Special Committee and in the light of the most recent Security Council resolution, and hoped that both sides would continue to cooperate with the Secretary-General and his Personal Envoy, and with MINURSO, with a view to resolving all difficulties so that the dispute might be settled in a satisfactory manner.

60. His country was proud of the leading role it had played in past decades to support other Arab and African countries in their struggle against colonialism and was resolved to continue those efforts to enable the United Nations to fulfil its obligations with respect to the remaining Territories until such time as the United Nations would be able to declare that the objectives of the Declaration had been attained.

61. **Mr. Baali** (Algeria), speaking in exercise of the right of reply, said that he been unable to resist the temptation to respond to his distinguished brother from Morocco because he wished to clarify what he had said previously and also to remind him of a few truths. The representative of Morocco had termed the Committee's debate "surreal"; until the representative of Morocco had spoken, however, that debate had been serious-minded and of high quality. Unfortunately, it had been what he had said that had introduced a note of surrealism, which the Algerian delegation regretted. His statement, in fact, had been surreal from beginning to end.

62. The representative of Morocco did not seem to realize that for the international community, the question of Western Sahara was a matter of decolonization; that territory was a Non-Self-Governing Territory, as the Committee's legal adviser had stated on 29 January 2002. He did not seem to realize that, if Morocco were not currently occupying Western Sahara, the question would not be under discussion by either the Committee or the Security Council. The Saharan refugees had preferred to live in camps for 25 years rather than live in their own territory under foreign occupation.

63. The representative of Morocco had apparently forgotten that for many years the Moroccan authorities

had refused to discuss the fate of the prisoners of war who had been captured by the Frente POLISARIO, because they did not wish to acknowledge the existence of the issue of Western Sahara. He reminded the representative of Morocco of the well-known fact that, when James Baker III had begun his mission in 1997, he had been able to obtain the release of hundreds of Moroccan prisoners but Morocco had refused to receive them. Only after a great deal of further effort and time had it become possible to induce the Moroccan authorities to request their release. The Frente POLISARIO continued to release prisoners under that framework; moreover, such releases should continue to take place when the transition period of the settlement plan began. The Frente POLISARIO had in any case consistently and voluntarily been releasing old and sick prisoners and would continue to do so.

64. The representative of Morocco apparently also failed to realize that the people of Western Sahara simply did not wish to live under foreign occupation; what they desired was not a spurious self-governance, but rather the right freely to choose their own future like all the other peoples in the world, as had indeed just been done by the people of Timor-Leste. All the most generous plans which the leaders of Morocco might think up in order to seduce the people of Western Sahara would therefore end up unused in the Kingdom's own archives.

65. For months, the highest authorities in Morocco had been repeatedly stating that the Security Council would produce a draft Framework Agreement that the international community would support, but when the Security Council had adopted resolution 1429 (2002), the Moroccan authorities had awoken to the fact that the Council had buried that idea in the cemetery of the Kingdom's illusions. The draft had garnered the endorsement of neither the Security Council nor the General Assembly, yet the representative of Morocco was attempting to rally the support of those who were unconvinced of the fairness of the right of self-governance.

66. He stressed that Algeria had no dispute with Morocco and that it wished to have the best possible relations with Morocco. Algeria supported the right of the people of Western Sahara to self-determination out of a sense of duty and conviction, because it had always done so; for years Algeria had supported national liberation movements in Africa and throughout the world, and had sheltered liberation movements to the point that it had come to be called the "Mecca of the revolutionaries". It had supported Western Sahara as well as Timor-Leste because of its conviction that the right to self-determination was a sacrosanct right from which all should benefit. Finally, he assured the representative of Morocco that his comments had been made without the slightest acrimony or contentiousness.

67. **Mr. Bennouna** (Morocco), speaking in exercise of the right of reply, said that he regretted that his colleague and friend from Algeria had been unable to resist the temptation to respond, because although he did not often resist such temptations, he could well have resisted that one in particular. Doing so would have relieved the Committee from having had to participate in the spectacle that had just taken place.

68. The representative of Algeria had claimed that his country had no dispute with or animosity toward Morocco; as the saying went, "With friends such as that, who needs enemies?" Western Sahara had become the main diplomatic cause for Algeria in the Committee and in all other international forums; Morocco was being labelled an "occupying Power", a "colonialist", and yet Algeria continued to claim that it had no quarrel with Morocco. He thus found it difficult to follow the representative of Algeria on that score, because in reality a problem did indeed exist. Morocco took a realistic view of its past, present and future and of the problem, and wished to hold out its hand in friendship to resolve it. If there were no problem, there would be no need to take up the Committee's time with the current discussion, or for the representative of Algeria to lobby the members of the Security Council for a month before it convened. Such actions hardly signified the absence of a problem between the two countries.

69. The problem existed, but so did approaches to solutions; intelligent and reasonable people had offered possible ways to resolve it. It would be resolved not by clinging to the abstract ideologies of the 1960s, but by Morocco holding out its hand in the context of the future integration of the Maghreb. In that future, there would no longer be a "Sahara" or even separate countries, but simply a region called the Maghreb which would cooperate with Europe. Europe was continuing to develop, while Morocco and Algeria struggled with minor problems. History was not moved forward by taking refuge behind petty arguments.

70. Whenever Morocco raised the issue of the prisoners, Algeria's response was to refer to the transitional period under the settlement plan. The ceasefire had begun in 1980 and Algeria claimed that Morocco did not want the prisoners. On the contrary, Morocco viewed the fate reserved for those prisoners on Algerian territory as inhuman and scandalous, and Algeria shared the responsibility for the situation because Algeria was a party to the humanitarian conventions of the Red Cross. The representative of Algeria could not escape that responsibility. The representative of Morocco regretted having to say that, had the representative of Algeria not exercised his right of reply, he would not have had to respond.

The meeting rose at 6 p.m.

United Nations A/C.4/57/SR.6

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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the 6th meeting
Held at Headquarters, New York, on Friday, 4 October 2002, at 3 p.m.

Chairman: Mr. Maitland ..... (South Africa)

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The meeting was called to order at 3.05 p.m.

Agenda item 19: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (Territories not covered under other agenda items) (*continued*) (A/57/23 (Part II, chaps. VI and IX-XI, Part II/Add.1 and Part III, chap. XIII, sects. D-F and H) and A/57/206; A/C.4/57/L.2 and L.4; A/AC.109/2002/CRP.2; Aide-memoire 1/02)

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Agenda item 82: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations (*continued*) (A/57/23 (Part II, chap. VIII, and Part III, chap. XIII, sect. C) and A/57/73; A/C.4/57/CRP.1)

Agenda item 12: Report of the Economic and Social Council (*continued*) (A/57/3)

Agenda item 83: Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories (*continued*) (A/57/90 and Add.1; A/C.4/57/L.3)

1. **Mr. Madina** (Mozambique), welcoming the admission of Timor-Leste as a Member State, observed that all remaining Non-Self-Governing Territories should be enabled to enjoy their right to self-determination in the near future. Despite all that the Special Committee had done to advance decolonization, the United Nations still had a critical role to play in the course of the Second International Decade for the Eradication of Colonialism.

2. His delegation was deeply concerned by the lack of progress in Western Sahara. The United Nations settlement plan was still the only legal framework agreed by the parties and endorsed by the international community and the African Union and the most appropriate way to ensure self-determination. Mozambique urged the two parties to cooperate with the Personal Envoy of the Secretary-General and with his Special Representative so that the various phases of the settlement plan could be implemented and the remaining difficulties could be overcome. It was now certainly time to direct the United Nations Mission for the Referendum in Western Sahara (MINURSO) to complete expeditiously the identification process enabling a genuine, free, impartial and meaningful referendum to be held.

3. Mozambique looked forward to the day when the Fourth Committee agenda would no longer include dependent Territories, but rather would focus on international assistance to newly independent States.

4. **Mr. Toure** (Guinea) said that self-determination and independence for colonial countries and peoples were the two cardinal principles on which the United Nations acted in encouraging the aspirations of dependent peoples and enabling them to choose one of the three options set out in General Assembly resolution 1541 (XV). The Special Committee, working with perseverance, deserved major credit for the advances made. Yet in declaring the Second Decade, the United Nations had shown its awareness that there was still work ahead.

5. On the question of Western Sahara, Guinea unequivocally favoured a political solution in keeping with Security Council resolution 1429 (2002). It encouraged the Secretary-General and his Personal Envoy to pursue their efforts to find an acceptable way out of a dispute that had lasted too long. The entire international community must at the same time do more to promote a world of freedom, peace and security.

6. **Mr. Abebe** (Ethiopia) said that the founding of Timor-Leste testified to the crucial United Nations role in the struggle of peoples for self-determination and in ending colonial rule. Yet it was discomforting that more than 40 years after the Declaration, 16 Non-Self-Governing Territories had yet to exercise the right to self-determination; and it was to be hoped that the Second Decade would mark the complete eradication of colonialism. The United Nations, the specialized agencies and the administering Powers had to remain fully engaged in order to ensure sustainable results that were in the interests of the peoples involved, as the

Special Committee and New Zealand had done in the case of Tokelau. The Special Committee's plan to develop case-by-case programmes of work for each of the Territories was promising.

7. In Africa, Western Sahara was the only remaining colonial Territory, and it was high time for an impartial referendum to be held, in conformity with the settlement plan and as agreed by the two parties involved. Only the unhindered exercise of the right to self-determination by the Saharan people could be a viable solution.

8. **Mr. Oyarzún** (Spain), referring to the question of Gibraltar, said that he was pleased to report that the Governments of Spain and the United Kingdom had, as urged by the General Assembly, continued to hold intensive negotiations to resolve all their differences over Gibraltar. At a ministerial meeting in February 2002, a joint press communiqué had been adopted, confirming their objective of overcoming their differences and ensuring a secure future in which Gibraltar could preserve its way of life and traditions, enjoy greater internal self-government, sustain and enhance its prosperity and reap the full benefits of mutually beneficial cooperation in all fields, including the Campo region. In March 2002 the European Union and the European Parliament had endorsed the ongoing negotiations. Since then, further talks at various levels had taken place, including a ministerial meeting in September 2002 where the shared objective of resolving all differences had been reaffirmed.

9. Throughout the negotiations, the Chief Minister of Gibraltar had been invited to participate, on the basis of the "two flags, three voices" formula, with his own distinct voice as part of the British delegation; but unfortunately he had never yet taken up those invitations. Instead, he had unilaterally, and without the endorsement of the United Kingdom as administering Power, made preparations for a referendum that lacked all legal basis or effect. It should be noted that such an initiative contravened the annual General Assembly decisions on the matter, which consistently urged negotiation by the Governments of Spain and the United Kingdom.

10. His delegation reiterated its intention to work constructively towards a comprehensive agreement. With reference to the statements made recently before the Committee by the Chief Minister of Gibraltar and by the Leader of the Opposition, he pointed out that Spain's position — in keeping with the principles of the relevant General Assembly resolutions and especially that of territorial integrity — had not changed in any way.

11. **Mr. Tinline** (United Kingdom), speaking in exercise of the right of reply, said that talks in Britain and in Spain had indeed made significant progress towards resolving a long-standing dispute. The two Governments had agreed on the principle of co-sovereignty, a historic achievement. The referendum currently being organized by the Gibraltar Government was a local initiative in which his own Government was not involved. Since no proposals on which to vote had been put forward, it was not clear what purpose it would serve. However, since any change to the Gibraltar Constitution could trigger primary legislation in the United Kingdom, the British Government would expect to oversee the organization and timing of any referendum with that purpose.

12. The principle of the consent of the people of Gibraltar was central to the British Government's approach to the future of Gibraltar. Once a comprehensive settlement with Spain was reached, it would be put to the people of the Territory in a referendum.

13. **Mr. Gaspar Martins** (Angola) said that the completion of decolonization had been one of the main goals of the United Nations since its inception. The Organization's perseverance had enabled the people of Timor-Leste to realize their inalienable right to self-determination. Subsequently, Timor-Leste had gained its independence and joined the United Nations as its 191st Member State. Since its first day as an independent nation, Angola had been a strong advocate for the legitimate struggle of the people of Timor-Leste. He was therefore gratified to see that new Republic represented among the family of nations. The progress made in decolonization, though welcome, fell short of what had been envisaged in the plan of action for the International Decade for the Eradication of Colonialism.

14. Regarding Western Sahara, his delegation wished to reaffirm its support for Security Council resolution 1429 (2002), which underlined the validity of the settlement plan, and for the Houston agreements and all other relevant resolutions of the Council and the General Assembly calling for a free and impartial referendum with a view to realizing the right to self-

determination of the Saharan people. The lack of progress in Western Sahara was an obstacle to lasting peace in the region, and the conflict affecting living conditions there. His delegation urged the parties to seize the opportunity to make meaningful progress towards lasting peace in the whole of the Maghreb and called on Member States to implement resolution 1429 (2002), which was the sole instrument approved by the parties to the conflict and reflected the consensus achieved by the international community.

15. In the Middle East, the resurgence of violence could undermine the efforts being made towards a peaceful settlement of the Palestinian problem and the Israeli-Arab crisis. His delegation appealed to the warring parties to return to the negotiating table to seek a solution that would satisfy the political and security interests of all the inhabitants of the region.

16. His delegation was ready to cooperate fully with the United Nations and the international community to realize the right to self-determination of the Territories still under occupation.

17. **Mr. Chaudhry** (Pakistan) observed that although, over the years, the number of Non-Self-Governing Territories had dwindled to 16, there was much delicate and deliberate work ahead, and the responsibility was shared by all. The administering Powers must continue to work closely with the United Nations to realize the agreed objectives. New Zealand's commitment to the exercise of self-determination by the people of Tokelau was particularly welcome, and France, New Zealand and the United Kingdom were to be commended for having participated in a recent regional seminar in Fiji.

18. On the question of Western Sahara, his delegation upheld both the principle of self-determination and that of the non-selective implementation of all relevant Security Council resolutions. With the continued help of the Secretary-General, through his Personal Envoy, it should be possible to find an amicable solution acceptable to both parties to the dispute.

19. At the heart of the decolonization issue was the fundamental principle put forward in both the Charter and the Declaration on decolonization that peoples under alien subjugation had an inalienable right to self-determination.

20. In two regions of the world, even after independence, colonialism had left a bitter legacy of foreign occupation and conflict. For over half a century the peoples of Kashmir and Palestine had been denied their right of self-determination; and the decolonization agenda of the United Nations would be incomplete without the resolution of those two issues. Pakistan urged most strongly the implementation of all relevant Security Council resolutions. In the case of the state of Jammu and Kashmir, Council resolutions of 1951 and 1957 had called for a United Nations-sponsored plebiscite through which the people could freely and impartially express their will. Any action taken by the State's Constituent Assembly to determine the future shape and affiliation of the entire State or any part thereof would not be in accordance with the principles set out in those resolutions. Pakistan remained committed to the final settlement of the Kashmir dispute in accordance with the wishes of the people of Kashmir and the relevant Security Council resolutions. It also remained committed to a meaningful dialogue to address that core dispute in south Asia, which had long held the region back from realizing its true potential.

21. **Mr. Zhang** Yishan (China) said that since its inception the United Nations had attached importance to helping innumerable colonial countries and peoples exercise their right to self-determination and strive for independence, and gratifying results had been achieved. The participation by a large number of newly independent countries in international affairs had also greatly enhanced the universality of the United Nations; Timor-Leste was to be warmly welcomed for joining their numbers.

22. Yet the decolonization process was incomplete. Joint efforts were required of the United Nations, the peoples of the Non-Self-Governing Territories and their administering Powers, and the latter must be more effective in creating the necessary conditions for self-determination. They had to ensure that the people under their administration knew all of their rights, providing the necessary information to them in a timely manner, and must accept United Nations visiting missions to the Territories. Tokelau was an example of excellent cooperation between the Special Committee and the administering Power and of the usefulness of field missions for gaining a better understanding of the situation on the ground.

23. Most of the remaining Territories were small with a very fragile environment for development. It was therefore incumbent on the administering Powers to ensure the well-balanced development of the society,

economy, culture and education in the Territories while protecting the people and the natural resources.

24. **Mr. Osei** (Ghana) said that it was a blight on the conscience of the international community that, at the end of the First International Decade for the Eradication of Colonialism, 16 Territories remained non-self-governing. It was all the more regrettable since the peoples of the Territories, through their petitions presented time and again at the United Nations, had adduced sufficient evidence of their yearning for self-determination and independence. However, that state of affairs reflected less inaction on the part of the international community than unwillingness on the part of the administering Powers to heed the terms of the relevant General Assembly resolutions.

25. The adoption by the General Assembly of resolution 55/146 declaring the period 2001-2010 the Second International Decade for the Eradication of Colonialism had rekindled hopes of attaining the vision contained in the Plan of Action. His delegation, however, believed that the targets set could be achieved only if Member States, and in particular the Fourth Committee, eschewed any sense of complacency and focused on the issues that united them, rather than on those that caused divergence.

26. Much would depend on the Special Committee. His delegation welcomed the statement by the Rapporteur of the Special Committee, and noted with satisfaction that that body had continued to work within the framework of the Second Decade and the recommendations of the plan of action to nurture cooperation with the administering Powers. He was pleased to note the contacts, both formal and informal, between the Special Committee and the delegations of France, New Zealand, the United Kingdom and the United States of America. He welcomed, in particular, the extent of the cooperation between the Special Committee and New Zealand, which clearly complied with the spirit and letter of the resolutions on decolonization adopted each year by the General Assembly. At the same time, there was a need for new approaches to build confidence and promote cooperation between the Special Committee and the other administering Powers.

27. His delegation urged all Member States and parties directly involved in the affairs of the Non-Self-Governing Territories to recognize the primacy of the interests of the indigenous peoples, respect their desire for independence and show the necessary political will and flexibility in negotiations that would culminate in the independence of those Territories. His delegation, for its part, would continue to cooperate with the Bureau of the Fourth Committee regarding the way forward. Lastly, he wished to congratulate Timor-Leste on its independence and to welcome its delegation to the Committee.

28. **Mr. Okio** (Congo) said that his delegation fully supported the conclusions contained in the Special Committee's report, as well as a number of proposals made for dispatching visiting missions to the Non-Self-Governing Territories. Achievement of the goals of the Second International Decade for the Eradication of Colonialism (2001-2010) would require the support of the entire international community; however, implementation of the Declaration on decolonization had lost momentum over the years. His delegation was concerned about the 16 remaining Non-Self-Governing Territories and believed that nothing could justify inaction in that regard. Having participated in the regional seminar on decolonization, held in Havana in 2001, he understood the urgency of assisting those peoples still under colonial domination.

29. The independence of Timor-Leste was undoubtedly one of the Organization's greatest achievements in the area of decolonization. It must be supplemented by the provision of substantial support to the young State. Congo, which, despite the geographical distance between them, had supported the people of Timor-Leste in their struggle, was prepared to explore ways and means for mutually beneficial cooperation with the new State.

30. Western Sahara was the only remaining Non-Self-Governing Territory on the African continent. His delegation supported a just and lasting solution in accordance with the relevant General Assembly and Security Council resolutions. It also hoped to see a peaceful and negotiated settlement of the sovereignty dispute over the Falkland Islands (Malvinas) and urged the Governments of Argentina and the United Kingdom to make every effort to achieve it.

31. **Mr. Al-Zayani** (Bahrain) said that, in the Millennium Declaration, the heads of State or Government had rededicated themselves to the objectives of the Declaration on decolonization. The fact that the first International Decade for the

Eradication of Colonialism had failed to achieve its aims did not detract from the value of declaring the Decade itself, since, only a few decades earlier, it would have seemed entirely unrealistic even to dream of attaining its objectives. The role of the United Nations in that respect sprang from the Charter itself, in which the peoples of the world declared their belief in fundamental freedoms and human dignity, which were negated by colonial domination. There was every reason to hope that the Second International Decade would at last achieve the common goal of ridding the world once and for all of colonialism.

32. **Mr. Moleko** (Lesotho) said that the joyous celebration of his own country's independence on that very day 36 years earlier was marred by its deep regret that there was still one Non-Self-Governing Territory in Africa, namely, Western Sahara. His delegation fully supported all General Assembly and Security Council resolutions calling for its decolonization through the implementation of the settlement plan and the holding of a free and fair referendum without delay. He commended the efforts of the Secretary-General and his Personal Envoy to that end, as well as the work of the Special Committee on decolonization. His delegation welcomed Timor-Leste as the 191st Member State and hoped that its independence would soon be followed by that of Western Sahara.

33. **Mr. Fils-Aimé** (Haiti), said that, having endured the agony of colonialism for more than three centuries, Haiti was deeply attached to the principle of self-determination and endorsed General Assembly resolution 1514 (XV). It welcomed the attainment of independence by Timor-Leste and acknowledged the efforts of the Special Committee on decolonization in that struggle. It also hailed the special relationship between New Zealand and Tokelau and hoped that New Zealand would serve as an example for other administering Powers. With a view to achieving the goals of the Second International Decade, his delegation invited the administering Powers to lay the political, social, economic and educational groundwork for the decolonization of the remaining Non-Self-Governing Territories.

34. On 1 January 2004, Haiti, which had fought the only successful anti-colonialist, anti-slavery and anti-segregationist revolution in history, would be marking the 200th anniversary of its independence. His Government and people wished to propose that that year should be proclaimed the "International Year of the Commemoration of the Struggle against Slavery and its Abolition". He hoped that the international community would support their proposal.

35. **Mr. Lamba** (Malawi), welcoming Timor-Leste as the newest member of the United Nations, drew parallels between its situation and that of Western Sahara, where another colonizing Power had taken charge after the departure of the original colonizers. His delegation was convinced that the United Nations settlement plan was the only effective means of ensuring self-determination and independence for the people of Western Sahara. He urged both parties to the conflict to cooperate fully with the Secretary-General, his Personal Envoy and his Special Representative in implementing the various phases of the settlement plan, and called on the international community to support that effort.

36. His delegation was deeply concerned at the worsening situation in the Middle East, particularly with regard to the question of Palestine. He expressed support for the NGO Declaration and Plan of Action adopted by the United Nations International Conference of Civil Society in Support of the Palestinian People, held at United Nations Headquarters on 23 and 24 September. Vigorous efforts must be made to stop the violence and encourage the two sides to continue to work for a negotiated settlement. He urged the United Nations and the international community to strongly condemn violence in the region. His delegation would continue to support all international proposals for a negotiated settlement leading to an independent Palestinian State. He called upon the parties to the conflict to return to the negotiating table and stressed the need for international support to that end.

37. **Mr. Fall** (Senegal) praised the efforts of those attempting to resolve the question of Western Sahara through negotiations. Senegal, which, for centuries, had shared a common history and enjoyed fruitful relations with Morocco, believed that any form of Balkanization, separatism or disintegration, at the national or subregional level, would be a threat to stability in the region. Morocco had already indicated its willingness to negotiate on the basis of the draft framework agreement (S/2001/613, annex I) and to cooperate fully with all parties. Like Security Council resolution 1429 (2002), the consensus draft resolution A/C.4/57/L.2 on the question of Western Sahara reaffirmed that the settlement plan was the premise for

a just and lasting solution beneficial to the entire Maghreb region and held promise for the future. He urged the Committee to seize on the second chance being offered by the Security Council and adopt it.

Action on draft resolutions

Draft resolution I on information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations, submitted under agenda item 80 (A/57/23 (Part III), chap. XIII, sect. A)

38. *A recorded vote was taken.*

In favour:

Algeria, Andorra, Argentina, Armenia, Austria, Bahrain, Belarus, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burundi, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Malta, Mexico, Morocco, Mozambique, Myanmar, Namibia, Netherlands, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Abstaining:

France, Israel, United Kingdom, United States.

39. Draft resolution I was adopted by 118 votes, with 4 abstentions.*

40. **Mr. Tinline** (United Kingdom), speaking in explanation of vote after the vote, said that, as in previous years, the United Kingdom had abstained on the draft resolution. It did not take issue with the main objective of the resolution and would continue to meet its corresponding obligations fully in respect of the United Kingdom Overseas Territories. However, it believed that the decision as to whether a Non-Self-Governing Territory had reached a level of self-government sufficient to relieve the administering Power of the obligation to submit information under Article 73 *e* of the Charter, was ultimately for the Government of the Territory and the administering Power concerned, and not the General Assembly.

Draft resolution II on economic and other activities which affect the interests of the peoples of the Non-Self-Governing Territories, submitted under agenda item 81 (A/57/23 (Part III), chap. XIII, sect. B)

41. A recorded vote was taken.

In favour:

Algeria, Andorra, Argentina, Armenia, Austria, Bahrain, Belarus, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Malta, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Netherlands, Norway, Oman, Pakistan, Panama, Paraguay,

* The delegation of Latvia subsequently informed the Committee that, had it been present, it would have voted in favour of the draft resolution.

Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Singapore, Slovakia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Syrian Arab Republic, Thailand, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against:

Israel, United States.

Abstaining:

France, United Kingdom.

42. *Draft resolution II was adopted by 122 votes to 2, with 2 abstentions.*

Draft decision on military activities and arrangements by colonial Powers in Territories under their administration, submitted under agenda item 19 (A/57/23 (Part III), chap. XIII, sect. H)

43. *A recorded vote was taken.*

In favour:

Algeria, Argentina, Bahrain, Belarus, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Mexico, Morocco, Mozambique, Myanmar, Namibia, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Andorra, Armenia, Austria, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Gambia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Japan, Latvia, Liechtenstein, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Yugoslavia.

Abstaining:

Bulgaria.

44. *The draft decision was adopted by 80 votes to 41, with 1 abstention.*

45. **Ms. Nielsen** (Denmark), speaking in explanation of vote on behalf of the European Union, said that some years earlier the European Union had initiated a dialogue with the Special Committee on decolonization in order to work towards building broader consensus. It acknowledged the progress achieved and encouraged that Committee to continue its efforts to submit balanced texts capable of attracting the broadest support.

46. As in previous years, the European Union was compelled to reiterate its objections regarding the draft decision on military activities, since that question fell outside the Committee's competence. Consequently, the member States of the European Union had once again voted against the draft decision.

Draft resolution III on implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations, submitted under agenda item 82 (A/57/23 (Part III), chap. XIII, sect. C)

47. *A recorded vote was taken.*

In favour:

Algeria, Argentina, Bahrain, Belarus, Belize, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Ghana, Grenada,

Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Singapore, South Africa, Sri Lanka, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Abstaining:

Andorra, Armenia, Austria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Gambia, Germany, Georgia, Greece, Hungary, Iceland, Ireland, Israel, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Malta, Netherlands, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Slovakia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom, United States, Yugoslavia.

48. *Draft resolution III was adopted by 81 votes to 0, with 44 abstentions.*

49. **Ms. Nielsen** (Denmark) speaking in explanation of vote on draft resolution III on behalf of the European Union, said the European Union renewed its support for the specialized agencies in their efforts to offer assistance to Non-Self-Governing Territories in the humanitarian, technical and educational fields. Nevertheless, the European Union had abstained in the vote because it considered that the mandates of those agencies should be scrupulously respected.

Draft resolution A/C.4/57/L.3 on offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories, submitted under agenda item 83

50. **The Chairman** said that Nigeria had joined the sponsors.

51. *Draft resolution A/C.4/57/L.3 was adopted.*

Action on draft resolutions under agenda item 19

Draft resolution A/C.4/57/L.2 on the question of Western Sahara

52. **The Chairman** said that, in the thirteenth preambular paragraph, the words "to the people" should be inserted after the words "to cause suffering" and, in the following preambular paragraph, the word "of" should be deleted before the words "the efforts".

53. *Draft resolution A/C.4/57/L.2, as orally revised, was adopted.*

54. **Mr. Huntley** (Saint Lucia) said that, while his delegation had not wished to impede the consensus adoption of the draft resolution, it had deep concerns about it. The representative of Antigua and Barbuda, speaking on behalf of the Caribbean Community at an earlier meeting, had stated that the right to self-determination remained a fundamental principle of the Charter of the United Nations and that the Saharan people should be allowed to exercise that right. The draft resolution should have acknowledged all the factors that prevented a settlement, emphasizing that it was a matter of decolonization where the Saharan people had an inalienable right to self-determination; that previous United Nations resolutions to have them exercise that right had been thwarted, and that the international community should take action against those who had flouted its will; and proposing action to ensure that the will of the United Nations with regard to Western Sahara was implemented.

55. **Ms. Nielsen** (Denmark), speaking on behalf of the European Union and the associated countries Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey, and, in addition, Iceland and Norway, said that the European Union continued to follow the question of Western Sahara closely and welcomed the fact that the draft resolution had been adopted without a vote. It supported a just, lasting and mutually acceptable political solution which provided for the self-determination of the people of Western Sahara. It also supported Security Council resolution 1429 (2002), and invited the Secretary-General's Personal Envoy to pursue his efforts, taking into account the concerns expressed by the parties.

56. The humanitarian aspects of the conflict remained a source of great concern. Certain pressing needs, such as the detention of prisoners of war and the fate of

those unaccounted for since the beginning of the conflict, needed to be dealt with immediately. All parties should also collaborate with the United Nations High Commissioner for Refugees in the implementation of confidence-building measures and with MINURSO.

57. **Mr. Bennouna** (Morocco) said that the draft resolution just adopted reiterated the approach advocated by the Security Council. The Committee had concluded that it was impossible to implement the settlement plan and the referendum, owing to fundamental differences between the parties on the principal provisions of the plan. Consequently, it had supported the mandate to propose a political solution entrusted by the Security Council to the Secretary-General and his Personal Envoy, while recalling that a negotiated solution was essential, since the dispute constituted an obstacle to the economic development of the Maghreb region. Morocco reiterated its willingness to cooperate fully with the Secretary-General and his Personal Envoy in order to reach a just and lasting solution, as it had declared following the adoption of Security Council resolution 1429 (2002).

Draft decision A/C.4/57/L.4 on the question of Gibraltar

58. *Draft decision A/C.4/57/L.4 was adopted.*

59. **Mr. Huntley** (Saint Lucia) said that his delegation was not entirely satisfied with the draft resolution, because the United Nations was committed to the eradication of colonialism and the mandate of the Fourth Committee and the Special Committee was to ensure the attainment of that goal. Among other matters, the two Committees were responsible for monitoring developments in the Non-Self-Governing Territories so that their actions would be based on the existing conditions. The United Nations seemed to consider that the decolonization of Gibraltar could be achieved through the settlement of a dispute between the Governments of Spain and the United Kingdom. However, his delegation considered that it was only through the freely-expressed wishes of the people of a Non-Self-Governing Territory that it could be determined how and when such a Territory should be decolonized. In that respect, his delegation had noted with satisfaction the statement of the representative of Spain, declaring that any settlement should take into account the legitimate interests of the residents of the colony. However, his delegation would have preferred the draft decision to have taken note of all the most recent developments, particularly the negotiations between Spain and the United Kingdom with regard to shared sovereignty, and of the action of the people of Gibraltar.

60. **Mr. Oyarzun** (Spain) said that he presumed that the previous speaker was speaking as the representative of Saint Lucia, rather than as Chairman of the Special Committee.

Draft resolution IV on the question of New Caledonia (A/57/23 (Part III), chap. XIII, sect. D)

61. *Draft resolution IV was adopted.*

Draft resolution V on the question of Tokelau (A/57/23 (Part III), chap. XIII, sect. E)

62. **The Chairman** said that the consultations were still continuing on the draft resolution, which would be considered at a later date.

Draft resolution VI on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, St. Helena, the Turks and Caicos Islands and the United States Virgin Islands (A/57/23 (Part III), chap. XIII, sect. F)

63. *Draft resolution VI was adopted.*

64. **Mr. Tinline** (United Kingdom) said that, as in previous years, the United Kingdom was pleased to support the consensus on the draft resolution. The British Overseas Territories Act 2002 had received parliamentary approval in February 2002 and had changed the nomenclature of "British Dependent Territories" to "British Overseas Territories" and "British Dependent Territories Citizens" to "British Overseas Territories Citizens" to reflect the modern nature of the relationship and to honour a key commitment made to grant British citizenship to British Overseas Territories Citizens from qualifying territories.

65. In September 2001, his Government had signed Environment Charters with the Chief Ministers of most United Kingdom Overseas Territories. Action Plans were being prepared in the Territories and a pilot project was under way in the Turks and Caicos Islands. His Government would be grateful if those two

important developments could be reflected in the draft resolution in future.

66. **Mr. Oyarzun** (Spain) said that Spain joined the consensus in support of the draft resolution. It supported the principle of self-determination for the Territories in question. At the same time, it considered that the said principle was not the only relevant principle for the decolonization of Non-Self-Governing Territories. There were specific cases, such as that of Gibraltar, where the principle of territorial integrity should be applied, in accordance with various General Assembly resolutions.

The meeting rose at 5.30 p.m.